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Uniquenco Property Services attempted to force alleged defamation case against SP52948 Lot 158 two times in 2019 and 2020 (both completely unsuccessful) after Waratah Strata Management allegedly experienced two major data losses for SP52948 (lost USB key in Police Event E65804633 in May 2018, and ransomware attack in February 2019 when Bitcoin ransom was paid by a third-party known to Waratah Strata Management to the threat actor in the equivalent amount of \$5,052.03) – in first attempt SP52948 allegedly approved \$150,000.00 for legal case at non-compliant AGM 2019 but spent only \$2,940.00

- First attempt was through joint effort by SP52948 committee, Waratah Strata Management, Uniquenco Property Services, and Solicitor Adrian Mueller which started in June 2019, in spite of Lot 158 warning them about unnecessary waste of funds:

[WITHOUT PREJUDICE Request to stop wasting strata funds on legal expenses that cannot succeed – 18Jun2019.pdf](#)

In early February 2019, Waratah Strata Management allegedly suffered second major data loss: a ransomware attack, which they did not disclose to owners until mid-March 2019. Waratah Strata Management claimed they lost most of SP52948 strata files, in spite of Bitcoin ransom paid by a third-party known to Waratah Strata Management to the threat actor in the equivalent amount of \$5,052.03:

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

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 did 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 had 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.

[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](#)

[SP52948-Waratah-Strata-Management-statement-about-lost-files-due-to-alleged-ransomware-attack-warning-owner-before-strata-document-search-9May2019.html](#)

[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](#)

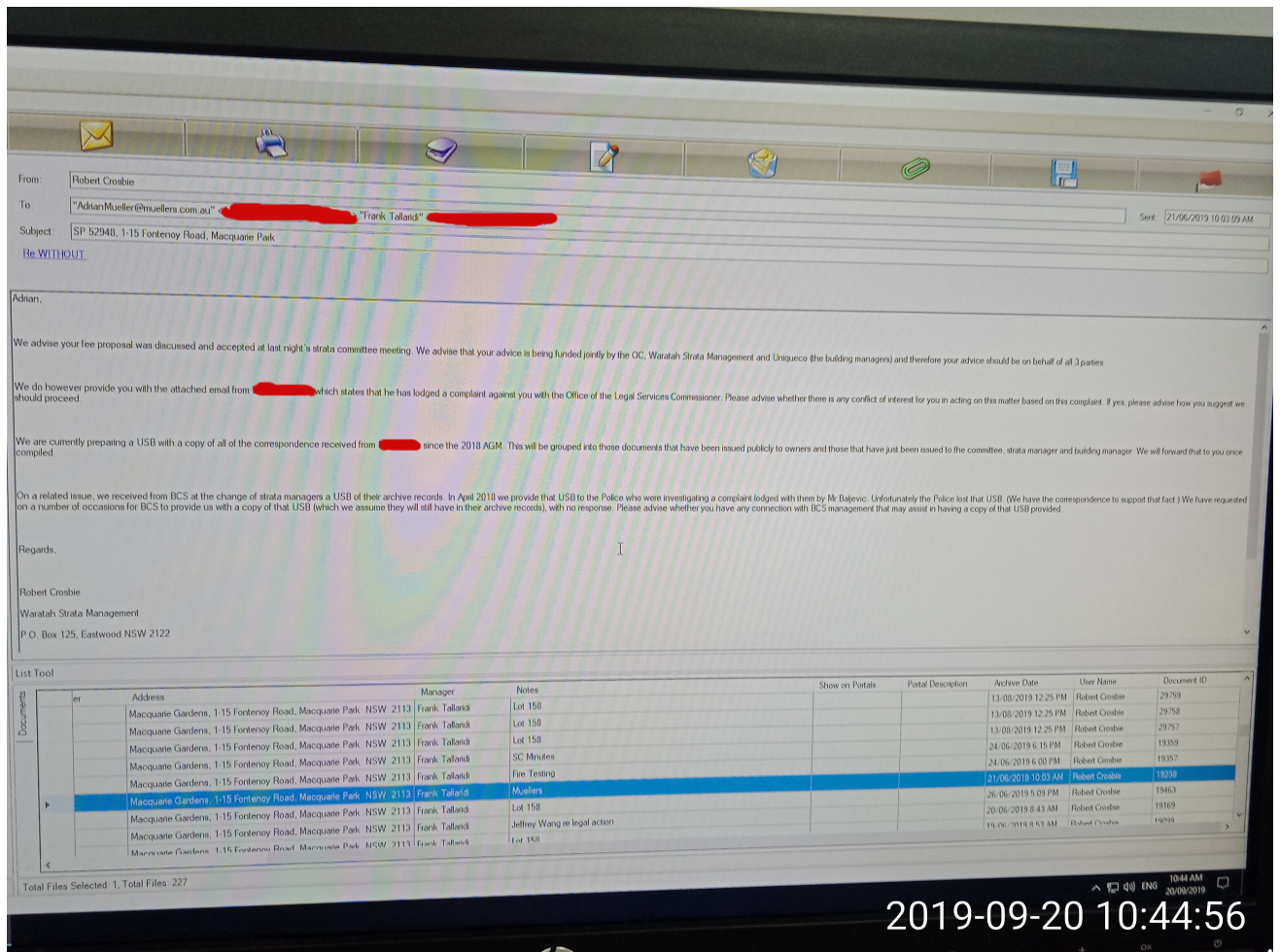
[SP52948-Interim-report-sent-to-Waratah-Strata-Management-with-request-to-provide-information-about-alleged-data-breach-at-strata-agency-and-loss-of-strata-files-17Feb2020.html](#)

Instead of responding to Lot 158, Waratah Strata Management forwarded the email to Solicitor Adrian Mueller on 21 June 2019 asking for help to locate strata files on USB key that Police had lost in Event E65804633 (first major data loss, that happened a year earlier, around May 2018) and Waratah Strata Management did not have copy of.

Waratah Strata Management and the Police had knowledge that Lot 158 had copies of this USB key (obtained during document search in June 2017), and they refused to use it! Further more, they disallowed owners and NSW Fair Trading to know about it. Lot 158 offered free services of CPA for proper financial audit, but Waratah Strata Management silently declined:

[SP52948-Lot-158-temporarily-withdraws-offer-for-providing-USB-key-and-strata-files-to-Waratah-Strata-Management-on-31May2019.html](#)

At the same time, Waratah Strata Management and committee members allegedly accepted Solicitor's proposal to "defend" SP52948 committee, Waratah Strata Management, and Uniqueco Property Services:



Secret attempts by the Police and Waratah Strata Management to find lost strata files throughout 2018, without disclosure to owners:

[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](#)

At non-compliant AGM on 17 October 2019, owners “approved” the following Motion, planning to spend \$150,000.00 on defamation case against Lot 158:

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.

Waratah Strata Management failed to disclose to owners that negative balance in Admin Fund on the day of AGM on 17 October 2019 was -\$131,852.25 in Balance Sheet but hidden in Income & Expenditure Report which showed alleged positive balance of \$49,386.78. Waratah Strata Management and committee members were repeatedly questioned about these dubious and highly suspicious accounting data – they never replied:

[SP52948-Balance-Sheet-as-at-17Oct2019.pdf](#)

[SP52948-Income-and-Expenditure-Report-1Sep2019-to-17Oct2019.pdf](#)

Evidence of how well Waratah Strata Management administers SP52948 Admin Fund since 1 February 2017:

[SP52948-effects-of-Waratah-Strata-Management-on-Balance-Sheet-from-31Jan2017-to-29Feb2024.pdf](#)

This is a copy of Lot 158 Statutory declaration in case SC 20/33352, which SP52948 committee members, Waratah Strata Management, and Uniqueco Property Services did not refute with any evidence:

[SP52948-statutory-declaration-for-NCAT-case-20-33352-which-Waratah-Strata-Management-refused-to-provide-to-owners-Aug2020.pdf](#)

Solicitor Adrian Mueller was asked to respond about his defamation threat with Deed of Agreement prepared in advance for AGM on 17 October 2019 without owners corporation approval or knowledge before the general meeting. Solicitor Adrian Mueller was secretly engaged by Waratah Strata Management and committee in September 2019 - in period from 1 September 2019 to 31 August 2020 (FY 2020), lot of activities by Solicitor Adrian Mueller and undisclosed barrister were related to alleged defamation threats against Lot 158 and only \$2,940.00 was listed for legal costs in whole of FY 2020.

| WARATAH Strata Management | | Waratah Strata Management 400 71 401 401 745 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 31/08/2020 | | | | |
| Strata Plan 52948 | | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113 | | |
| Administrative Fund | | | | |
| | Current period | Annual budget | Previous year | |
| | 01/09/2019-31/08/2020 | 01/09/2019-31/08/2020 | 01/09/2018-31/08/2019 | |
| Revenue | | | | |
| Gas - Additional Service | 2,145.13 | 4,750.00 | 4,775.34 | |
| Interest on Arrears--Admin | 2,242.29 | 0.00 | 2,855.14 | |
| Key Deposits | 354.00 | 0.00 | 1,948.00 | |
| Levies Due--Admin | 725,000.00 | 700,000.00 | 914,462.09 | |
| Status Certificate Fees | 981.00 | 0.00 | 545.00 | |
| Strata Roll Inspection Fees | 430.00 | 0.00 | 286.50 | |
| <i>Total revenue</i> | <i>731,152.42</i> | <i>704,750.00</i> | <i>924,872.07</i> | |
| Less expenses | | | | |
| Admin--Accounting | 900.00 | 600.00 | 450.00 | |
| Admin--Agent Disbursements | 11,875.00 | 11,970.00 | 11,400.00 | |
| Admin--Agent Disburst--Other | 986.00 | 0.00 | 0.00 | |
| Admin--Auditors--Audit Services | 1,100.00 | 1,200.00 | 1,200.00 | |
| Admin--Auditors--Taxation Services | 550.00 | 500.00 | 300.00 | |
| Admin--Bank Charges--Account Fees | 42.50 | 50.00 | 19.20 | |
| Admin--Key Deposit Refunds | 370.00 | 0.00 | 100.00 | |
| Admin--Legal & Debt Collection Fees | 2,940.00 | 10,000.00 | 7,981.33 | |

[SP52948-request-sent-to-Solicitor-Adrian-Mueller-to-provide-response-for-OLSC-case-CAS005901-8Feb2022.html](#)

Extract from Deed of Agreement unsuccessfully trying to force Lot 158 owners to sign it for alleged defamation of SP52948 committee, Waratah Strata Management and Uniqueco Property Services, as prepared by Solicitor Adrian Mueller on 17 October 2019

DEED OF AGREEMENT

Dated

Parties

Executed by **WARATAH STRATA MANAGEMENT PTY LTD ACN 161 033 745** in accordance with section 127 of the Corporations Act 2001 in the presence of:

Director/Secretary

Director

The Owners – Strata Plan No. 52948

Waratah Strata Management Pty Ltd ACN 161 033 745

Uniqueco Pty Ltd ACN 169 421 194

Executed by **UNIQUECO PTY LTD ACN 169 421 194** in accordance with Section 127 of the Corporations Act 2001 in the presence of:

Director/Secretary

Director

2.2. The Defendant undertakes to the Plaintiff and will undertake to the Court that he will not make future publications about the Plaintiff, whether by means of the internet or otherwise, except with the prior leave of the Court, which carry the following meanings about the Plaintiff, or meanings which do not differ in substance from those meanings, or which differ only in that they are more specific versions of those meanings:

- (a) the Plaintiff had failed to declare conflicts of interest;
- (b) the Plaintiff had acted dishonestly;
- (c) the Plaintiff had knowingly made false statements;
- (d) the Plaintiff had engaged in criminal conduct;
- (e) the Plaintiff had behaved unethically;
- (f) the Plaintiff had engaged in mismanagement;
- (g) the Plaintiff had conspired to provide false statements;
- (h) the Plaintiff had engaged in fraud; or
- (i) the Plaintiff had misappropriated funds.

- After realising that joint defamation case would not succeed, Uniqueco Property Services initiated another unsuccessful attempt on 21 July 2020:

Matulich Lawyers

Solicitors

MARK LAWRENCE WOLFGANG MATULICH
Dip Law (LPAB - SYD UNI) Principal

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21 July 2020

Our Ref :ML:MM:20-0035

Uniqueco Property Services directly influenced outcomes of AGM 2023 by not allowing information from NSW Fair Trading (case 11138875) about Waratah Strata Management failing in its duties for financial audits and crucial financial status to be published on notice boards on 19 October 2023

On 19 October 2023, Director of Uniqueco Property Services Mr. Steve Carbone was approached by Lot 158 in person. He was given one-page document to put on or near six notice boards in the complex. Uniqueco Property Services did not publish the requested information.

[SP52948-Lot-158-notice-board-v2-19Oct2023.pdf](#)

For SP52948 owners and tenants

On 17 October 2023, NSW Fair Trading (case 11138875) reached decision that Waratah Strata Management failed in its duties for financial audits - the first step in Lot 158 prevention of mismanagement of the complex.

Thank you for your correspondence regarding management of SP52948 by Waratah Strata Management Pty Ltd (the Agency).

Fair Trading regulates the property sector in New South Wales and can take action against traders who have engaged in illegal conduct. All information we receive is assessed against our various consumer protection laws.

NSW Fair Trading cannot assess issues which are more than 3 years old or where matters are subject to an order or determination by the Tribunal or court of competent jurisdiction.

Based on the information provided, Fair Trading identified that the Agency failed to provide a copy of audit reports to the owners corporation as required under Schedule 1, Clause 9 of the Strata Schemes Management Act 2015 (Act). Fair Trading has taken appropriate compliance action in accordance with our policies and procedures.

If the owners corporation is dissatisfied with the performance of the strata managing agent, the owners corporation may consider convening a general meeting to terminate the management agreement. If considering this option, the owners corporation should carefully review the agreement for termination conditions.

A lot owner has the option to follow the dispute resolution process applicable to strata schemes by submitting a motion/s to be included on the agenda of the next general meeting.

Some of further issues: SP52948 repayments in amount of \$28,545.69 (GST excl) to insurance companies for legal costs of Solicitor Adrian Mueller in 2017, 2022, and 2023, repayment to insurance company in amount of \$1,574.00 (GST excl) for water leak damages which were below excess threshold in FY 2022, rejected claim by insurance company in amount of \$13,497.00 in 2021 for sunroom window frame of Lot 190 destroyed by strong winds on 30 November 2020 with owners corporation carrying out additional costs of \$12,270.00 for repairs in Lot 190, and legal documents related to past engagements of Solicitor Adrian Mueller, insurance commissions paid to Waratah Strata Management in amount of \$47,849.98 since 2018 with evidence of previous strata agency BCS Strata Management not allowed to receive insurance commissions due to conflict of interest, and insurance premiums growing by 50.84% in FY 2023 and additional 21.57% in FY 2024, costing owners now \$181,778.06 while SP52948 has \$10,000.00 excess for each and every water-related damage or water-leak explorations.

As of 18 October 2023, negative balance (DEFICIT) in Admin Fund reached \$272,482.76. That is the highest negative balance ever reached for SP52948. Owners still have to pay monthly salary (for October 2023) for building manager Uniqueco Property Services before next collection of levies on 1 November 2023. It is almost guaranteed that negative balance in Admin Fund will go above \$300,000.00 by the end of October 2023.

| Strata Plan 52948 | | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113 | |
|----------------------------|-----------------------|--|--|
| Administrative Fund | | | |
| | Current period | Previous year | |
| | 01/09/2023-18/10/2023 | 01/09/2022-31/08/2023 | |
| Total expenses | 283,450.73 | 898,866.80 | |
| Surplus/Deficit | (283,135.62) | (65,148.09) | |
| Opening balance | 10,652.86 | 75,800.95 | |
| Closing balance | -272,482.76 | \$10,652.86 | |

Waratah Strata Management, without Motion at AGM 2023, attempted, but was prevented by Lot 158, to renew three-year contract with Uniquenco Property Services on 26 October 2023

In spite of advance notice by Lot 158, Waratah Strata Management attempted to renew three-year contract with Uniquenco Property Services at AGM on 26 October 2023.

- Agenda for AGM 2023, sent to owners on 7 October 2023:

[SP52948-abridged-agenda-AGM-5Oct2023.pdf](#)

- On 7 October 2023, and repeated on 24 October 2023, Waratah Strata Management was reminded about failure to provide financial files (in accordance with Strata Schemes Management Act 2015 (NSW), Sch1, Part 10(1), Lot 158 requests that owners corporation provides copies of administrative fund, the capital works fund and any other fund of the owners corporation (term deposits and trust accounts, and others as applicable)).

This is fourth addendum to file 11138875 for serious misconduct by Waratah Strata Management in SP52948.

On 7 October 2023, the following request was sent to Waratah Strata Management and nine committee members:

Request for Waratah Strata Management: in accordance with Strata Schemes Management Act 2015 (NSW), Sch1, Part 10(1), Lot 158 requests that owners corporation provides copies of administrative fund, the capital works fund and any other fund of the owners corporation (term deposits are one example), which have to be produced to the owner at least two days before the meeting at which the statements are to be presented (AGM on 26 October 2023).

Of special interest will be evidence of how Waratah Strata Management paid invoices from Admin Fund which had negative balance almost 100% of the time during FY 2023. If the money was borrowed from Capital Works Fund, Waratah Strata Management must have complied with Strata Schemes Management Act 2015 Section 76.

Waratah Strata Management failed to comply with the request before, at, and after AGM on 26 October 2023.

- Waratah Strata Management failed to provide justification of expenses six days before AGM on 20 October 2023:

[SP52948-Waratah-Strata-Management-ignored-request-to-justify-expenses-six-days-before-AGM-20Oct2023.html](#)

- Waratah Strata Management, with support of Mr. John Gore, failed to include Lot 158 Motions for AGM 2023 on 26 October 2023, practically disallowing owners to make informed decisions”

[SP52948-Motions-by-Lot-158-AGM-2023-short.pdf](#)

- AGM 2023 was the fifth breach by Waratah Strata Management due to non-compliance with Clause 21 of the Strata Schemes Management Regulations 2016 and Section 95 of the Strata Schemes Management Act 2015 for SP52948 Auditor Reports and refusal to notify owners about NSW Fair Trading - Reference Number 11138875 at AGM 2023. Economos signed SP52948 audited report for FY 2022 43 days after due date with \$10,000.00 (GST incl) missing in accounting for Solicitor Adrian Mueller’s insurance payments. This document was never provided to owners in agendas or minutes of meetings.

[Waratah-Strata-Management-non-compliance-of-SP52948-Auditor-reports.html](#)

Thank you for your correspondence regarding management of SP52948 by Waratah Strata Management Pty Ltd (the Agency).

Fair Trading regulates the property sector in New South Wales and can take action against traders who have engaged in illegal conduct. All information we receive is assessed against our various consumer protection laws.

NSW Fair Trading cannot assess issues which are more than 3 years old or where matters are subject to an order or determination by the Tribunal or court of competent jurisdiction.

Based on the information provided, Fair Trading identified that the Agency failed to provide a copy of audit reports to the owners corporation as required under Schedule 1, Clause 9 of the Strata Schemes Management Act 2015 (Act). Fair Trading has taken appropriate compliance action in accordance with our policies and procedures.

If the owners corporation is dissatisfied with the performance of the strata managing agent, the owners corporation may consider convening a general meeting to terminate the management agreement. If considering this option, the owners corporation should carefully review the agreement for termination conditions.

A lot owner has the option to follow the dispute resolution process applicable to strata schemes by submitting a motion/s to be included on the agenda of the next general meeting.

During the AGM 2023, Lot 158 asked direct question how invoices were paid when SP52948 had such high deficit (negative balance) throughout 2023. Where did the money come from to pay for Admin Fund invoices?

Nine committee members and Waratah Strata Management failed to answer it.

Deficit (negative balance) in Admin Fund on the day of AGM 2023 was -\$307,580.90, without disclosure to owners at and after 26 October 2023:

[SP52948-Income-and-Expenditure-Report-1Sep2023-to-evening-26Oct2023.pdf](#)

| | | | |
|--------|---------------------------|-----------|------------|
| 190200 | Utility--Electricity | 17,860.16 | 49,171.97 |
| 190400 | Utility--Gas | 0.00 | 27,768.79 |
| 191200 | Utility--Water & Sewerage | 28,082.24 | 100,993.06 |

26/10/2023 8:08 Web generated report Waratah Strata Management Pty Ltd Page 2

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

Administrative Fund

| | Current period 01/09/2023-26/10/2023 | Previous year 01/09/2022-31/08/2023 |
|------------------------|---|--|
| Total expenses | 318,600.40 | 898,866.80 |
| Surplus/Deficit | (318,233.76) | (65,148.09) |
| Opening balance | 10,652.86 | 75,800.95 |
| Closing balance | <u><u>-\$307,580.90</u></u> | <u><u>\$10,652.86</u></u> |

- At AGM on 26 October 2023, Waratah Strata Management and Chairperson Mr. John Gore failed to answer any question about his misleading and plainly false statements in the agenda for the meeting.
- AGM 2023 had 94 votes (mostly uninformed owners and investors) who allegedly wanted to renew contract with Uniqueco Property Services and Lot 158 still prevented it because it was illegal:

78 Proxy votes including six for Chairperson Mr. John Gore of Lot 200 who had already been selling his property before AGM 2023, without disclosure to owners before, at, and after AGM 2023

5 owners who attended in person

9 committee members who attended in person, representing 11 properties, of which Mr. Jeffery Wang owned three Lots: 33, 34, and 218

- Waratah Strata Management failed to include Lot 158 concerns about mismanaged AGM 2023 before, at, and after 26 October 2023:

[SP52948-AGM-2023-misconducts-and-risks-24Oct2023.pdf](#)

Misleading and plainly false statements by Mr. Steve Carbone in agenda for Extraordinary General Meeting on 30 November 2023

UNIQUECO PTY LTD

ABN: 44 169 421 194

304 Brennan Street
SMITHFIELD NSW 2164

Mobile: 0416 160 382
Email: sp52948.uniqueco@gmail.com

19th July 2023

Macquarie Gardens
Strata Plan 52948

Attn: Mr John Gore
Chairman

1-15 Fontenoy Road
MACQUARIE PARK NSW 2113

Dear Mr Gore & Committee Members,

PRICING FOR 2024, 2025 & 2026 CARETAKING SERVICES STRATA PLAN 52948

We thank you for the opportunity of submitting our new contract price for 2024, 2025 and 2026. We believe our services to Macquarie Gardens over the past 8 years has been of value and greatly appreciated by the owners and residents.

In calculating our contract pricing, we have taken into account the level of service that is required to cover the running of such a large complex and the increases to wages, superannuation, insurances, contractors, equipment and material.

Our services continue to be 7 days a week, 24 hours a day. We are on call 24 hours a day for any emergency, general enquiry or any issues that arise at the complex. We have looked at and factored in all these variables and believe we have arrived at a reasonable pricing structure.

This price increase has occurred due to the rising inflation rate that has affected the running and staffing costs for us.

The increase costing price is to cover:

- the increase to superannuation from 9.5%, an increase we have absorbed in our previous contract. Superannuation is currently at 11%, with further increases to 12% during the new contract period,
- the increases to wages, which we have had to absorb for the past 3 to 4 years,

Due to the increases to superannuation and insurances alone, we have calculated over \$40,000 per annum to cover these costs.

Once we have factored in the running costs and increases, and the fact that our increase since 2020 was only 1%, (with a 2% increase for 2023), we have calculated the costs as follows:

NEW CONTRACT PRICE FOR 2024, 2025 & 2026:

| | Annual Price | Monthly Price |
|--------------------------|---------------------------|--------------------------|
| 1. Night Shift Caretaker | \$ 166,000.00 | \$ 13,833.33 |
| 2. Caretaker/Assistant | \$ 175,800.00 | \$ 14,650.00 |
| 3. Cleaner | \$ 38,100.00 | \$ 3,175.00 |
| 4. Gardener | \$ 41,100.00 | \$ 3,425.00 |
| 5. Pool Maintenance | \$ 18,000.00 | \$ 1,500.00 |
| TOTAL: | \$ 439,000.00 +GST | \$ 36,583.33 +GST |

We are outlining the CURRENT PRICING TO NEW PRICING as follows:

| | CURRENT 2023 | NEW 2024, 2025 & 2026 |
|--------------------------|---------------------------|---------------------------|
| 1. Night Shift Caretaker | \$ 125,861.88 | \$ 166,000.00 |
| 2. Caretaker/Assistant | \$ 145,095.00 | \$ 175,800.00 |
| 3. Cleaner | \$ 30,000.00 | \$ 38,100.00 |
| 4. Gardener | \$ 32,376.02 | \$ 41,100.00 |
| 5. Pool Maintenance | \$ 13,202.88 | \$ 18,000.00 |
| TOTAL: | \$ 346,535.78 +GST | \$ 439,000.00 +GST |
| PER MONTH: | \$ 28,877.98 +GST | \$ 36,583.33 +GST |

The new monthly cost from January 2024 will be \$36,583.33+GST per month.

Evidence to refute Mr. Steve Carbone's statements

Director of Uniqueco Property Services Mr. Steve Carbone has been working for SP52948 for more than 10 and half years as of December 2023

Mr. Carbone started working for SP52948 as Assistant Manager in early 2013. Extract from building manager Universal Property Services report to SP52948 committee and BCS Strata Management on 20 February 2013:

Caretaker.

James is no longer working for me, there were a number of issues that he was unable to correct, (it was nothing to do with his work,) I had no option other than to dismiss James.

I have Steve on board, his hours: 7am to 4pm five days a week and on Saturday from 9am to 3pm (Yasser works Sunday 9am to 3pm) the work carried out by Steve and the knowledge he has in the gardens I know the

work will continue. He will be assisting me with the caretaking duties so when I go on annual leave he will manage the complex.

In May 2014, Mr. Carbone prepared a plan to poach the business from his employer - Uniqueco Property Services secret business registration whilst still employed by Universal Strata Services on 7 May 2014

His employer did not know about his plans:



Australian Company

UNIQUECO PTY LTD
ACN 169 421 194

Extracted from ASIC's database at AEST 22:02:32 on 11/11/2014

Company Summary

Name: UNIQUECO PTY LTD

ACN: 169 421 194

ABN: 44 169 421 194

Registration Date: 07/05/2014

Next Review Date: 07/05/2015

Status: Registered

Type: Australian Proprietary Company, Limited By Shares

Locality of Registered Office: DRUMMOYNE NSW 2047

Regulator: Australian Securities & Investments Commission

SP52948 Chairperson Mr. Copland failed to disclose that Uniqueco Property Services was owned by Assistant Manager of incumbent Universal Property Services. No evidence of tenders were provided to any owner at AGM 2014 (misleading statements in agenda)

Macquarie Gardens, Strata Plan 52948

APPOINTMENT OF CARETAKING SERVICES CONTRACTOR

The EC successfully negotiated an extension of four months to 31st December 2014 with the current contractor for caretaking services at no increase in cost. Tenders were invited for caretaking, security, gardening and pool maintenance. A number of site inspections took place with prospective suppliers accompanied by a committee member. A number of companies initially contacted finally declined to quote. Eventually after a lot of EC work only four tenders were received including one from the incumbent contractor. These tenders were all submitted in commercial confidence directly to two members of the committee (and by agreement with the MA, not to the MA as a company related to the MA had indicated they also wished to quote).

The tenders received were all for a two year fixed term contract from 1 January 2015 to 31 December 2016 with the option to renew for a further year to December 2017. Prices ranged from a low of \$289,000 to a high of \$469,000 all of which are higher than current costs.

The full EC reviewed the tenders although small differences in service levels exist which were taken into account in selecting a preferred tenderer. Two tenders were immediately unacceptable due to huge increase in costs. The EC believe that Uniqueco Pty Ltd submitted the lowest price. This is not the incumbent contractor. As a result the AGM will vote on the choice of accepting a new supplier or remaining with the current one.

REDUCTION OF OVERNIGHT MANNING SCHEDULES

It became apparent from studying all the offers that a disproportionate increase in costs to the value received, lay in the provision of a person on site all night. As a result the AGM will be asked first to approve the company with whom final contract documents will be drawn up (sharing the legal costs between the OC and the contractor) based on a comparison of prices for services as tendered. Having decided on the company, secondly to determine whether a permanent reduction of night service by two hours per night and reduce the increase in costs to more reasonable levels is justified.

The EC recommend that the additional costs of full overnight cover are not justified and that the reduction of two hours a night is a fair balance of security and value for money. The budget for levies and expenses is based on the reduction of two hours. If this recommendation is not accepted both AF levies and AF budget expenses would require to be adjusted upwards for this item alone.

AGM 2014 was held late – one month after regular schedule on 26 November 2014 and without valid tender for building management contract

Motions for AGM 2014, without any evidence of tender (their quotes were not covering same hours of work), or contract details:

- No.6 That in accordance with Section 40A of the Act, Uniqueco Pty Ltd is appointed as a caretaker on terms and conditions to be converted to a legally binding contract for a minimum period of two years commencing 1st January 2015 ("Caretaker Agreement") that give effect to the tender submitted (with a cost for calendar 2015 of **\$289,000**) and such reasonable commercial arrangements determined by the Executive Committee regarding payment and delivery of these services.
- No.7 That in accordance with Section 40A of the Act Universal Strata Services Pty Ltd is reappointed as a caretaker on terms and conditions to be converted to a legally binding contract for a minimum period of two years commencing 1st January 2015 ("Caretaker Agreement") that give effect to the tender submitted (with a cost for calendar 2015 of **\$322,560**) and such reasonable commercial arrangements determined by the Executive Committee regarding payment and delivery of these services.
- No.8 That the terms and conditions of the Caretaker Agreement be amended to not require personnel to be on-site during the hours of 3 am to 5 am nightly (with a consequent reduction in tender price in the case of Uniqueco Pty Ltd to **\$270,000** or in the case of Universal Strata Services Pty Ltd to **\$272,256**).
- No.9 (a) That the Owners Corporation engage a solicitor to draw up a legally binding contract to give effect to the commercial terms of the Caretaker Agreement as amended by preceding motions, the costs of which are to be shared between the Owners Corporation and the company determined by preceding motions. The Executive Committee shall direct the Solicitor in the engagement in relation to the acceptability of commercial and legal terms of the contract to be executed.
- (b) That the Owners Corporation execute the Caretaker Agreement to give effect to the appointment of the company selected and at the tender price determined by the outcome of preceding motions.
- (c) That the common seal of the Owners Corporation be fixed by Body Corporate Services, in accordance with Section 238 of the Act to the Caretaker Agreement.

Extract from AGM 2014, confirming that decrease of working hours for security guards was not approved by owners, as proposed by Chairperson Mr. Bruce Copland

- MOTION 6: That in accordance with Section 40A of the Act, Uniqueco Pty Ltd is appointed as a caretaker on terms and conditions to be converted to a legally binding contract for a minimum period of two years commencing 1st January 2015 ("Caretaker Agreement") that give effect to the tender submitted (with a cost for calendar 2015 of **\$289,000**) and such reasonable commercial arrangements determined by the Executive Committee regarding payment and delivery of these services. – **Carried.**
- MOTION 7: That in accordance with Section 40A of the Act Universal Strata Services Pty Ltd is reappointed as a caretaker on terms and conditions to be converted to a legally binding contract for a minimum period of two years commencing 1st January 2015 ("Caretaker Agreement") that give effect to the tender submitted (with a cost for calendar 2015 of **\$322,560**) and such reasonable commercial arrangements determined by the Executive Committee regarding payment and delivery of these services. – **Defeated.**
- MOTION 8: That the terms and conditions of the Caretaker Agreement be amended to not require personnel to be on-site during the hours of 3 am to 5 am nightly (with a consequent reduction in tender price in the case of Uniqueco Pty Ltd to **\$270,000** or in the case of Universal Strata Services Pty Ltd to **\$272,256**). – **Defeated.**

1) Waratah Strata Management prevented Lot 158 Motion at AGM 2017 about illegal contract with Uniqueco Property Services in 2014 and 2016, directly supporting fraudulent activities that directly benefited strata agency

Motion: Undisclosed tender for Building Manager's contract in 2014 and 2016

The Owners Corporation SP52948 by ORDINARY RESOLUTION, confirms the following:

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management and EC members increased Building Manager's contract value by around 16% in comparison to previous year without tender at AGM 2014,**
- **BCS Strata Management and EC members increased Building Manager's contract value by additional 1% without tender at AGM 2016, without evidence of SSMA 1996 compliant EC meeting that had made such decision before the general meeting, and without disclosing to owners corporation that the following EC members did not have rights to vote at the general meeting due to unpaid full levies for gas heating since 1999:**

Mrs. Lorna Zelenzuk, Lot 3 (Ex-Chairperson and current Secretary)

Mr. Stephen Luxmoore, Lot 144

Mr. Moses Levitt, Lot 147

Mr. Stan Pogorelsky, Lot 181 (current Chairperson)

- **EC members and BCS Strata Management speculated about CPI in June 2016 and made decision about 2% rise of the Building Manager's contract at alleged EC meeting on 26th of March 2016, three months before it was announced by Australian Bureau of Statistics, and were prevented by Lot 158 to implement such increase without due diligence,**
- **EC members and BCS Strata Management failed to review service delivery by the current Building Manager in professional manner,**
- **EC members Mr. Moses Levitt and Mr. Stan Pogorelsky signed contract with Uniqueco Pty Ltd on 5th of December 2014 whilst unfinancial to represent owners corporation at AGMs since 1999 due to unpaid full levies for gas heating,**
- **EC members and BCS Strata Management failed to notify owners corporation that additional tenders for the Building Manager's and Strata Management contracts were requested on 7th of April 2016.**
- **BCS Strata Management and EC members failed to provide any evidence of competitive tenders for renewal of Building Manager's contract in 2014 and 2016,**
- **BCS Strata Management and EC members acted in non-compliance with SSMA 1996 Section 108 for strata document search in 2014, 2015 and 2016.**

2) Waratah Strata Management prevented Lot 158 Motion at AGM 2017 about continuous efforts by Uniqueco Property Services to stalk, threat, and intimidate Lot 158 owners, directly supporting criminal activities

Motion: Uniqueco Pty Ltd failure to comply with Section 6.4 of the contract with SP52948

The Owners Corporation SP52948 by ORDINARY RESOLUTION, confirms the following:

- **Director of Uniqueco Pty Ltd failed to comply with Sections 6.4 of the contract with SP52948, which requires proper conduct of its officers, employees, and agents whilst engaged to provide services on the premises:**

Long-term stalking and bullying wife of owner of Lot 158, in spite of repeated warnings and even an SMS message.


- **EC members failed to comply with Section 6.3 of Uniqueco's contract with SP52948, failed to conduct a review of complaint against stalking and bullying of wife of Lot 158 owner, ignored multiple reports of bullying, thus causing serious health issues to her, stress, and fear.**
- **In late August 2017, a Police event was opened against Mr. Steve Carbone and one of his staff with multiple video evidence, including alleged cleaning in lift and on level 2 in Block A that started before 06:00 am one day (never seen in 20 years of the complex before).**
- **The Police case includes evidence of unsolicited and unwelcome WhatsUp message on one weekend from Mr. Steve Carbone, who was never invited, or part of WhatsUp sessions with Lot 158.**

In 2014, SP52948 started having serious financial problems. Secretly, SP52948 borrowed \$20,745.00 from Pica Group on 21 August 2014 (parent company of BCS Strata Management), without disclosure to any owner. The loan was due to be repaid before AGM 2014 on 22 September 2014 (this information was hidden from owners at AGM 2014), and owners corporation secretly repaid the loan six months later on 25 March 2015

PRUDENTIAL INVESTMENT COMPANY OF AUSTRALIA PTY LTD

A.B.N 84 004 266 817
LOCKED BAG 22, HAYMARKET NSW 1238
Telephone: 1300 883 227 Fax: 02 9212 6269

TAX INVOICE

 STRATA PLAN 52948 – Macquarie Gardens

Invoice No: 948

Date: 22/09/2014

Debtor Id: SP52948

Page 1 of 1

| <i>Description</i> | <i>Exclusive GST</i> | <i>GST</i> | <i>Amount</i> |
|---|----------------------|------------|---------------|
| REPAYMENT FOR CASH ADVANCE TO PICA FOR SP52948 – 21/08/14 | \$18,859.55 | \$1,885.95 | \$20,745.50 |
| <i>Total Amount Due:</i> | \$18,859.55 | \$1,885.95 | \$20,745.50 |

Your Plan(s)/Lot(s): NSW 52948 - Ref 496594

Creditor Name:

(Partial or full name)


Cheque Date From: May 19 2013

To: May 19 2015

| Cred. Code | Creditor Name | Doc. Ref. No. | Doc. Date | Doc. Total | Chq. Date | Mtd. | Cnl. Chq. | Date Presented | Invoice |
|------------|-------------------------------|---------------|------------|------------|------------|-------------------|-----------|----------------|---------|
| 26397 | | 00000006 | 18/03/2015 | 180.00 | 26/03/2015 | Bank Direct Debit | N | 26/03/2015 | |
| 90906 | PRUDENTIAL INVESTMENT CO AUST | 948 | 16/03/2015 | 20745.50 | 25/03/2015 | Bank Direct Debit | N | 25/03/2015 | |
| 69661 | W & M GORDON | 56315 | 10/03/2015 | 1450.00 | 24/03/2015 | Bank Direct Debit | N | 24/03/2015 | |
| 69574 | G & L CLEANING SERVICES | 4365 | 02/03/2015 | 88.00 | 24/03/2015 | Bank Direct Debit | N | 24/03/2015 | |
| 68671 | HOWARD WEST - BUILDER | 1154 | 07/03/2015 | 781.00 | 24/03/2015 | Bank Direct Debit | N | 24/03/2015 | |
| 48608 | TUNED TO PERFECTION PTY LTD | 8059 | 11/03/2015 | 143.00 | 24/03/2015 | Bank Direct Debit | N | 24/03/2015 | |
| 39528 | LOCK STOCK & BARREL | 10891 | 19/01/2015 | 154.00 | 24/03/2015 | Bank Direct Debit | N | 24/03/2015 | |
| 13559 | PALMERS GLASS & CARPENTRY | 00044461 | 13/03/2015 | 374.00 | 24/03/2015 | Bank Direct Debit | N | 24/03/2015 | |
| 6138 | ALLGATE AUTOMATION PTY LTD | 62805 | 03/03/2015 | 220.00 | 24/03/2015 | Bank Direct Debit | N | 24/03/2015 | |
| 96206 | J & E GORE | 52948315 | 09/03/2015 | 150.66 | 20/03/2015 | Mailing House | N | 26/03/2015 | |
| | | | | | | | | | |

Universal Property Services lost building management contract in 2014 primarily due to Lot 158 evidence of poor services, while Mr. Carbone was an active employee of the company

Privately, committee members still favoured Universal Property Services, as this secret email from Chairperson Mr. Bruce Copland to them showed on 7 December 2014:

 Sun 7/12/2014 8:26 PM

SP52948 Caretaking Services Agreement - confirmation Universal agreement now formally ends 31 Dec 2014.

To 'Bob Luka'; Ruth Luka

Cc Russell Young

I have to advise that a new Caretaking Services Agreement, as voted for at the AGM, was executed by the Owners Corporation and exchanged with UniqueCo Pty Ltd late today (Sunday 7 Dec 2014). All commercial issues have been resolved and guarantees put in place to secure the Owners Corporation for performance of all conditions. As a result there is now no possibility that the agreement for services by Universal Strata can be renewed or renegotiated and that agreement will therefore end on 31st December 2014.

You will appreciate that this has been just as difficult a process for the Executive Committee, most of whom are resident and know you both well, but in running a tender process for such a large contract sum, as required by Strata law, the outcome has resulted in significant differences in the prices tendered which has swayed many lot owners. I suspect that with much more than 50% of all owners now investors rather than residents the personal connection was diluted and overall cost of levies was the deciding factor. You can refer any potential business that is seeking a reference from you, to me, and I will assure them the contract was lost on financial grounds. The new Executive Committee have asked me to thank you for your services over the years.

There are now a number of practical handover procedures to be organised concerning spares, stocks of cleaning supplies etc. keys, computer passwords, mobile phone, logbooks, emergency contact lists, access to office, change of required signs and anything else owned by the Owners Corporation currently secured by you. The Strata Managing Agent is closed from 24 December 2014 to 5th January 2015 so there is no one available from their office. We are making arrangements for payments to continue to be processed through this period (provided of course that all normal services are maintained). If there are any questions regarding handover I may be able to assist but only possibly remotely due to the fact that I am working over the holiday week myself. Residents will expect to see the handover occur smoothly. It may assist if you provide a list of any maintenance or work order issues that are outstanding at the end of this month.

The pragmatic way is for you to have a discussion with Steve Carbone and work out how to effect a business-like transition late on December 31 2014 with the minimum of external involvement. I have asked Steven to contact you early this week. I suggest its very much in your interest to agree responsibility for employees who may be employed by either company on the evening of the 31st December and the practical change of employer or handover.

I am sorry that your long association with Macquarie Gardens will come to an end shortly and wish you both well for the future.

Uniqeeco Property Services breached the agreed contract value in the first year of employment (2015), from \$272,256.00 to \$275,838.09, with decreased security guard hours by two hours without authorisation of owners corporation

[SP52948-Uniqeeco-Property-Services-contract-Dec2014.pdf](#)

GST is excluded from the prices shown below.

| | Annual Price | Monthly Price |
|------------------------|---------------------|--------------------|
| Day Caretaking | \$121,000.00 | \$10,083.33 |
| Pool Maintenance | \$ 11,000.00 | \$ 916.67 |
| Gardening \$ 52,000.00 | \$ 4,333.33 | |
| Night Caretaking | \$105,000.00 | \$ 8,750.00 |
| Total | <u>\$289,000.00</u> | <u>\$24,083.33</u> |

Schedule 3 Hours of Coverage

1. The Contractor will provide Caretaking Services to the Premises between the hours of 5.00 am – 5.00 pm, Monday to Friday and 9.00 am to 3.00 pm Saturdays and Sundays and will provide after-hours service at all times to respond to emergencies onsite within 1 hour of notification.
2. The Contractor will provide cleaning services to the Premises 7 days each week, which will include a minimum 6 hours on each Saturday and Sunday and any Public Holidays.
3. The Contractor will provide a minimum of one person on site from 5.00 pm to 5.00 am 7 nights a week including Public Holidays.
4. Gardening and Pool hours of coverage are to be sufficient to provide all the services listed at the frequency specified to standards determined by the Quality Assurance Standard document.

[\\$275,838.09](#) (charges split into four invoices: garden maintenance, security, caretaker fees, maintenance garden items).

Uniqeco Property Services base contract value with SP52948 from 1 February 2021 to 31 January 2024 was set in amount of \$339,741.00 (GST exclusive) per year

GST is excluded from the prices shown below.

From 1 February 2021 to 31 January 2024 [Three (3) years]

| | Annual Price | Monthly Price |
|------------------|---------------------|---------------------|
| Day Caretaking | \$142,250.00 | \$11,854.17 |
| Pool Maintenance | \$ 12,944.00 | \$ 1,078.67 |
| Gardening | \$ 61,153.00 | \$ 5,096.08 |
| Night Caretaking | <u>\$123,394.00</u> | <u>\$ 10,282.83</u> |
| Total | <u>\$339,741.00</u> | <u>\$ 28,311.75</u> |

Schedule 3 Hours of Coverage

- 1 The Contractor will provide Caretaking Services to the Premises between the hours of 4.00am to 7.00pm Mondays to Fridays and 9.00am to 3.00pm Saturdays and Sundays and will provide after-hours service at all times to respond to emergencies onsite within one [1] hour of notification.
- 2 The Contractor will provide a Caretaker to the Premises on Public Holidays for a 6 hour shift from 5.00am to 11.00am.
- 3 The Contractor will provide cleaning services to the Premises seven [7] days each week, which will include a minimum six [6] hours per day for Saturdays and Sundays and any Public Holidays.
- 4 The Contractor will provide a minimum of one security person on site from 7.00pm to 4.00am Mondays to Fridays, 6.30pm to 4.00am Saturdays and Sundays and 6.00pm to 4.00am Public Holidays.
- 5 Gardening and Pool hours of coverage are to be sufficient to provide all the services listed at the frequency specified to standards determined by the Quality Assurance Standard document

Real growth of Uniqeco Property Services contract expenses from SP52948 funds shows growth of 12.95% in 2020, 2.49% in 2021, 0.14% in 2022, 1.10% in 2023

[SP52948-experiences-with-Waratah-Strata-Management-from-customer-perspective.html](#)

In 2023, monthly salary for Uniqeco Property Services was increased three times, without any disclosure or details:

2% in March 2023.

10% in September 2023.

2.21% in December 2023.

| Financial Year | Building Manager (old name Caretaker) | Total Contract Value | Official annual inflation rate |
|----------------|---------------------------------------|--|--|
| 2020 | Uniqeco Property Services | <u>\$330,986.89</u> (difference to previous year: 12.95% , contract renewed without tender at general meeting on 22 October 2020) | 0.85% |
| 2021 | Uniqeco Property Services | <u>\$339,249.60</u> (difference to previous year: 2.49%) | 2.86% |
| 2022 | Uniqeco Property Services | <u>\$339,741.00</u> (difference to previous year: 0.14%) | 6.59% |
| 2023 | Uniqeco Property Services | <u>\$343,507.47</u> (difference to previous year: 1.10% , undisclosed increase of 2.0% since February 2023) | 4.9% as published by ABS on 29 November 2023 |
| 2024 | Uniqeco Property Services | Not applicable yet (undisclosed increase of 10.0% since September 2023) | not applicable yet |

In March 2023, Uniqueco Property Services monthly salary increased from \$28,311.75 to \$28,877.98 (first increase in 2023, without approval by owners corporation at general meeting):

| WARATAH Strata Management | | Income & Expenditure Report for the financial year-to-date 01/09/2022 to 28/02/2023 | |
|------------------------------|--|---|--|
| Strata Plan 52948 | | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113 | |
| Administrative Fund | | | |
| | Current period 01/09/2022-28/02/2023 | Previous year 01/09/2021-31/08/2022 | |
| Revenue | | | |
| 141900 | Gas - Additional Service | 0.00 | 2,945.40 |
| 142000 | Insurance Claims | 0.00 | 19,758.14 |
| 142500 | Interest on Arrears--Admin | 421.71 | 1,272.24 |
| 142800 | Key Deposits | 362.00 | 362.00 |
| 143000 | Levies Due--Admin | 395,004.32 | 737,506.48 |
| 144000 | Miscellaneous Income--Admin | 9,090.90 | 4,545.45 |
| 146500 | Status Certificate Fees | 545.00 | 1,308.00 |
| 147000 | Strata Roll Inspection Fees | 124.00 | 279.00 |
| Total revenue | | 405,551.93 | 767,976.71 |
| Less expenses | | | |
| 150200 | Admin--Accounting | 300.00 | 450.00 |
| 153800 | Admin--Agent Disbursements | 6,822.77 | 13,092.24 |
| 153802 | Admin--Agent Disburst--Other | 100.00 | 0.00 |
| 153805 | Admin--Agent Disburst--Stationery | 0.00 | 34.91 |
| 150800 | Admin--Auditors--Audit Services | 1,100.00 | 1,100.00 |
| 150900 | Admin--Auditors--Taxation Services | 370.00 | 555.00 |
| 153200 | Admin--Legal & Debt Collection Fees | 1,784.58 | 8,669.78 |
| 154100 | Admin--Management Fees--Additional Charges | 30.00 | 0.00 |
| 154000 | Admin--Management Fees--Standard | 13,212.45 | 25,380.38 |
| 156000 | Admin--Status Certificate Fees Paid | 436.00 | 1,308.00 |
| 156400 | Admin--Strata Inspection Fees Paid | 155.00 | 248.00 |
| 159100 | Insurance--Premiums | 149,529.07 | 99,132.62 |
| 159200 | Insurance--Valuation | 0.00 | 3,895.45 |
| 161300 | Maint Bldg--Building Management | 169,870.50 | 339,741.00 |
| 161350 | Maint Bldg--Building Management Expenses | 9,151.43 | 9,967.05 |
| 162000 | Maint Bldg--Carpet | 600.00 | 0.00 |
| 162400 | Maint Bldg--Carspace Line Marking | 380.00 | 0.00 |
| 162600 | Maint Bldg--Ceiling | 593.64 | 1,447.00 |
| 163000 | Maint Bldg--Cleaning | 0.00 | 220.00 |
| 163200 | Maint Bldg--Cleaning & Lawns | 100.00 | 0.00 |
| 163001 | Maint Bldg--Cleaning--Carpet/Furniture | 1,600.00 | 1,600.00 |
| 163010 | Maint Bldg--Cleaning--Pressure Cleaning | 2,000.00 | 0.00 |
| 164200 | Maint Bldg--Consultants | 3,750.00 | 0.00 |
| 28/02/2023 | 17:40 | Web generated report | Waratah Strata Management Pty Ltd Page 1 |

| WARATAH Strata Management | | Income & Expenditure Report for the financial year-to-date 01/09/2022 to 15/03/2023 | |
|------------------------------|--|---|--|
| Strata Plan 52948 | | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113 | |
| Administrative Fund | | | |
| | Current period 01/09/2022-15/03/2023 | Previous year 01/09/2021-31/08/2022 | |
| Revenue | | | |
| 141900 | Gas - Additional Service | 0.00 | 2,945.40 |
| 142000 | Insurance Claims | 0.00 | 19,758.14 |
| 142500 | Interest on Arrears--Admin | 457.44 | 1,272.24 |
| 142800 | Key Deposits | 362.00 | 362.00 |
| 143000 | Levies Due--Admin | 395,004.32 | 737,506.48 |
| 144000 | Miscellaneous Income--Admin | 9,090.90 | 4,545.45 |
| 146500 | Status Certificate Fees | 545.00 | 1,308.00 |
| 147000 | Strata Roll Inspection Fees | 124.00 | 279.00 |
| Total revenue | | 405,587.66 | 767,976.71 |
| Less expenses | | | |
| 150200 | Admin--Accounting | 700.00 | 450.00 |
| 153800 | Admin--Agent Disbursements | 7,980.95 | 13,092.24 |
| 153802 | Admin--Agent Disburst--Other | 100.00 | 0.00 |
| 153805 | Admin--Agent Disburst--Stationery | 0.00 | 34.91 |
| 150800 | Admin--Auditors--Audit Services | 1,100.00 | 1,100.00 |
| 150900 | Admin--Auditors--Taxation Services | 370.00 | 555.00 |
| 153200 | Admin--Legal & Debt Collection Fees | 1,844.58 | 8,669.78 |
| 154100 | Admin--Management Fees--Additional Charges | 40.00 | 0.00 |
| 154000 | Admin--Management Fees--Standard | 15,454.27 | 25,380.38 |
| 156000 | Admin--Status Certificate Fees Paid | 545.00 | 1,308.00 |
| 156400 | Admin--Strata Inspection Fees Paid | 155.00 | 248.00 |
| 159100 | Insurance--Premiums | 149,529.07 | 99,132.62 |
| 159200 | Insurance--Valuation | 0.00 | 3,895.45 |
| 161300 | Maint Bldg--Building Management | 198,748.48 | 339,741.00 |
| 161350 | Maint Bldg--Building Management Expenses | 9,151.43 | 9,967.05 |
| 162000 | Maint Bldg--Carpet | 600.00 | 0.00 |
| 162400 | Maint Bldg--Carspace Line Marking | 730.00 | 0.00 |
| 162600 | Maint Bldg--Ceiling | 593.64 | 1,447.00 |
| 163000 | Maint Bldg--Cleaning | 0.00 | 220.00 |
| 163200 | Maint Bldg--Cleaning & Lawns | 100.00 | 0.00 |
| 163001 | Maint Bldg--Cleaning--Carpet/Furniture | 1,600.00 | 1,600.00 |
| 163010 | Maint Bldg--Cleaning--Pressure Cleaning | 2,000.00 | 0.00 |
| 164200 | Maint Bldg--Consultants | 3,750.00 | 0.00 |
| 15/03/2023 | 17:03 | Web generated report | Waratah Strata Management Pty Ltd Page 1 |

At non-compliant committee meeting on 7 September 2023, without giving owners any details of poor financial and property management, the following brief statement about finances:

3 FINANCIAL REPORT

Resolved that the financial reports for the previous financial year were reviewed. An 8% increase of the budget is proposed for the current financial year. The Chairperson Report for the AGM will provide information for the owners detailing proposed increases.

... and still recommended salary increases:

4 BUILDING MANAGEMENT FEE PROPOSAL

Resolved that the fee proposal submitted by Uniqueco Pty Ltd for building management pricing for 2024, 2025 & 2026 was tabled and discussed. It was noted that countless comments of positive feedback regarding Steve's services contribute to a recommendation from the committee to accept Uniqueco's fee proposal. The Chairperson Report tabled at the AGM will provide more detail of this recommendation.

What Waratah Strata Management failed to disclose to owners was the fact that monthly salary to Uniqueco Property Services already increased from \$28,877.98 to \$31,764.07 (an increase of 10%), as shown in Income & Expenditure Report dated 13 September 2023 (second increase in 2023, without approval by owners corporation at general meeting):



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
 01/09/2023 to 13/09/2023**

Strata Plan 52948

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

Administrative Fund

| | Current period 01/09/2023-13/09/2023 | Previous year 01/09/2022-31/08/2023 |
|------------------------------------|--|---|
| Revenue | | |
| 141900 Gas - Additional Service | 0.00 | 2,945.40 |
| 142500 Interest on Arrears--Admin | 12.87 | 976.85 |
| 142800 Key Deposits | 0.00 | 862.00 |
| 143000 Levies Due--Admin | 0.00 | 810,586.82 |
| 144000 Miscellaneous Income--Admin | 0.00 | 17,040.64 |
| 146500 Status Certificate Fees | 0.00 | 1,090.00 |
| 147000 Strata Roll Inspection Fees | 31.00 | 217.00 |
| Total revenue | 43.87 | 833,718.71 |

Less expenses

| | | |
|---|-----------|------------|
| 150200 Admin--Accounting | 0.00 | 900.00 |
| 153800 Admin--Agent Disbursements | 1,158.18 | 13,771.85 |
| 153802 Admin--Agent Disburst--Other | 0.00 | 100.00 |
| 150800 Admin--Auditors--Audit Services | 0.00 | 1,205.00 |
| 150900 Admin--Auditors--Taxation Services | 0.00 | 475.00 |
| 153000 Admin--Key Deposit Refunds | 0.00 | 200.00 |
| 153200 Admin--Legal & Debt Collection Fees | 180.00 | 2,214.58 |
| 154100 Admin--Management Fees--Additional Charges | 10.00 | 768.18 |
| 154000 Admin--Management Fees--Standard | 2,241.82 | 26,663.37 |
| 156000 Admin--Status Certificate Fees Paid | 109.00 | 981.00 |
| 156500 Admin--Strata Hub Fees Paid | 0.00 | 654.00 |
| 156400 Admin--Strata Inspection Fees Paid | 31.00 | 248.00 |
| 159100 Insurance--Premiums | 0.00 | 149,529.07 |
| 161300 Maint Bldg--Building Management | 31,764.07 | 343,507.47 |

... on the same day (13 September 2023), negative balance in Admin Fund was \$37,050.64, without disclosure to owners:

Strata Plan 52948

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

Administrative Fund

| | Current period 01/09/2023-13/09/2023 | Previous year 01/09/2022-31/08/2023 |
|------------------------|--|---|
| Surplus/Deficit | (47,703.50) | (65,148.09) |
| Opening balance | 10,652.86 | 75,800.95 |
| Closing balance | -\$37,050.64 | \$10,652.86 |

Full summary for SP52948 expenses for building management contracts since 1999

| Financial Year | Building Manager (Caretaker) | Total Contract Value | Official annual inflation rate |
|----------------|------------------------------|--|--------------------------------|
| 1999 | Strata Sphere | \$186,611.00 | 1.48% |
| 2000 | Universal Strata Services | \$220,168.00 | 4.46% |
| 2001 | Universal Strata Services | \$220,624.00 | 4.41% |
| 2002 | Universal Strata Services | \$218,938.00 | 2.98% |
| 2003 | Universal Strata Services | \$218,167.00 | 2.73% |
| 2004 | Universal Strata Services | \$222,376.00 | 2.34% |
| 2005 | Universal Strata Services | \$227,995.00 | 2.69% |
| 2006 | Universal Strata Services | \$228,438.00 | 3.56% |
| 2007 | Universal Strata Services | \$232,844.00 | 2.33% |
| 2008 | Universal Strata Services | \$235,560.00 | 4.35% |
| 2009 | Universal Strata Services | \$244,287.00 | 1.77% |
| 2010 | Universal Strata Services | \$264,080.00 | 2.92% |
| 2011 | Universal Strata Services | \$245,094.00 | 3.30% |
| 2012 | Universal Strata Services | \$255,673.00 | 1.76% |
| 2013 | Universal Strata Services | \$256,605.00 | 2.45% |
| 2014 | Universal Strata Services | \$252,618.00 | 2.49% |
| 2015 | Uniquenco Property Services | \$275,838.09 (charges split into four invoices: garden maintenance, security, caretaker fees, maintenance garden items, difference to previous year: 8.78% , contract RS/RH 081394 signed on 7 December 2014 by two committee members of which one of them - Mr. Moses Levitt of Lot 147 was unfinancial due to unpaid levies since 2001) | 1.51% |
| 2016 | Uniquenco Property Services | \$295,250.60 (charges split into four invoices: garden maintenance, security, caretaker fees, maintenance garden items, difference to previous year: 7.03% , Unfinancial Chairperson Mr. Stan Pogorelsky of Lot 181 approved false statements in agenda for AGM 2016 about building management costs in evidence part 1 and evidence part 2 , minutes of committee meeting held on 21 March 2016 renewed contract for another year without any tender, although its expiration date was nine months later on 7 December 2016, contract value increased by 2% without owners corporation decision at general meeting on 22 April 2016) | 1.28% |
| 2017 | Uniquenco Property Services | \$291,507.13 (difference to previous year: -1.27% , contract renewed without tender at general meeting on 24 October 2017 and signed by two unfinancial owners - Mr. Moses Levitt and Mr. Stan Pogorelsky of Lot 147 and 181 due to unpaid levies since 2001 and 1999 respectively, increasing the contract value by 4% per year) | 1.95% |
| 2018 | Uniquenco Property Services | \$306,837.99 (Auditor signed incomplete version of financials at AGM 2018, agenda for AGM 2019 confirmed it , difference to previous year: 5.25%) | 1.91% |
| 2019 | Uniquenco Property Services | \$293,031.44 (difference to previous year: -4.50%) | 1.61% |
| 2020 | Uniquenco Property Services | \$330,986.89 (difference to previous year: 12.95% , contract renewed without tender at general meeting on 22 October 2020) | 0.85% |
| 2021 | Uniquenco Property Services | \$339,249.60 (difference to previous year: 2.49%) | 2.86% |
| 2022 | Uniquenco Property Services | \$339,741.00 (difference to previous year: 0.14%) | 6.59% |
| 2023 | Uniquenco Property Services | \$343,507.47 (difference to previous year: 1.10% , undisclosed increase of 2.0% since February 2023) | 4.1% (ABS on 31 January 2024) |
| 2024 | Uniquenco Property Services | Undisclosed increases, hidden by Waratah Strata Management | not applicable yet |

Uniqeeco Property Services failed to disclose fraudulent contracts with SP52948 at AGM 2014, 2017 and 2020

Contract RS/RH 081394 with Uniqeeco Property Services signed on 7 December 2014 by two committee members of which one of them - Mr. Moses Levitt of Lot 147 was unfinancial due to unpaid gas heating levies since 2001

Executed as an agreement.
By the Proprietor
The common Seal of the Owners
Corporation was affixed in the presence of



M Levitt
.....
Signature
MOSES LEVITT
.....
Name of Authorised Person (print)

Bruce Copland
.....
Signature
BRUCE COPLAND
.....
Name of Authorised Person (print)

being the persons authorised to attest the affixing of the seal.

By the Contractor:

Executed by UniqueCo Pty Ltd:)
)
)

[Signature]
.....
Signature of Company
Secretary/Director

S. Carbone
.....
Signature of Director

SACORA CARBONE
.....
Name of Company
Secretary/Director (print)

Steven Carbone
.....
Name of Director (print)

Building management services started on 1 January 2015:

[SP52948-Uniqeeco-Property-Services-contract-Dec2014.pdf](#)

Contract with Uniqueco Property Services signed on 27 November 2017 (one day after AGM 2017) by two unfinancial committee members - Mr. Moses Levitt of Lot 147 was unfinancial due to unpaid gas heating levies since 2001 and Mr. Stan Pogorelsky of Lot 181 was unfinancial due to unpaid levies since 1999


Executed as an agreement.

By the Proprietor

The common Seal of the Owners

Corporation was affixed in the presence of




Signature

STANLEY POGORELSKY
Name of Authorised Person (print)


Signature

M LEVITT
Name of Authorised Person (print)

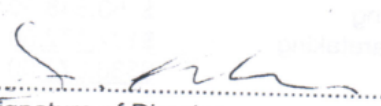
being the persons authorised to attest the affixing of the seal.

By the Contractor:

Executed by UniqueCo Pty Ltd:


Signature of Company
Secretary/Director

STEVEN CARBONE
Name of Company
Secretary/Director (print)


Signature of Director

SANDRA CARBONE
Name of Director (print)

Building management services started on 1 January 2018 with expiration on 31 January 2021:

[SP52948-Uniqueco-Property-Services-contract-part-1-Nov2017.pdf](#)

[SP52948-Uniqueco-Property-Services-contract-part-2-Nov2017.pdf](#)

AGM 2020 did not have any tender for building management contract. Waratah Strata Management prevented seven competitive quotes from tenders for strata and building management

[Strata Excellence, Strata Title Management, Netstrata, Curtis Strata Cleaning, Forte Asset Services, Clean and Secure Building Management, Jim's Mowing\).](#)

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.

Minutes of AGM listed the following:

8 CARETAKERS CONTRACT

Resolved that the contract with Uniqueco Pty Ltd (Building Managers) was tabled and accepted, with Waratah Strata Management authorised to sign this contract on behalf of the Owners Corporation.

A vote of thanks was passed to Steve Carbone for all of the work he and his team have done over the past year.

Waratah Strata Manager, who was illegal to work for or represent SP52948, signed Uniqueco Property Services contract on 1 February 2021

Executed as an agreement.

By the Proprietor

The common Seal of the Owners

Corporation was affixed in the presence of



Signature

Robert Crossie

Name of Authorised Person (print)

Strata Manager for non benefit of SP52948
being the persons authorised to attest the affixing of the seal.

Signature

Name of Authorised Person (print)

By the Contractor:

Executed by Unique Co Pty Ltd:)
)
)

Signature of Company
Secretary/Director

SANDRA CARBONE

Name of Company
Secretary/Director (print)

Signature of Director

STEVEN CARBONE

Name of Director (print)

Waratah Strata Management failed to disclose details of who signed the contract until Lot 158 document search on 13 February 2024:

[SP52948-contract-Uniqueco-Property-Services-part-1-1Feb2021.pdf](#)

[SP52948-contract-Uniqueco-Property-Services-part-2-1Feb2021.pdf](#)

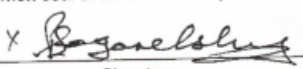
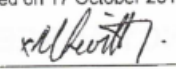

Why was Waratah Strata Management illegal: Waratah Strata Management contract was renewed without tender or disclosure of contract details at AGM on 17 October 2019 and signed by two unfinancial committee members - Mr. Moses Levitt of Lot 147 was unfinancial due to unpaid gas heating levies since 2001 and Mr. Stan Pogorelsky of Lot 181 was unfinancial due to unpaid levies since 1999

[Signed by two unfinancial committee members Mr. Stan Pogorelsky and Mr. Moses Levitt on same day as the general meeting](#)

Signatures

Owners Corporation


The common seal of the owners corporation was affixed on 17 October 2019 in the presence of:

| | | |
|---|---|--|
|  |  |  |
| Signature | Signature | |
| STANLEY POGORELSKY | MOSES LEVITT | |
| Name | Name | |
| CHAIRMAN | STRATA COMMITTEE MEMBER | |
| Designation | Designation | |

Being the person(s) authorised by section 273 of the Act to attest the affixing of the seal.

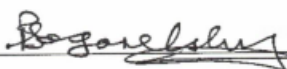
Agent

Executed by the agent in accordance with Section 126 or 127 of the Corporations Act 2001 (Cth) in the presence of:

| | |
|---|--------------------------------|
|  | |
| Signature of Authorised Person | Signature of Authorised Person |
| Robert Crosbie | |
| Name of Authorised Person | Name of Authorised Person |

Service

The owners corporation acknowledges receipt of a copy of this agreement within 48 hours of execution by the owners corporation (refer to page 8 for IMPORTANT NOTES to the parties when executing this agreement).

| | |
|----------------------|--|
| X STANLEY POGORELSKY |  |
| Name of Signatory | Signature |

Building management services started on 1 February 2021 with expiration on 31 January 2024:

[SP52948-Uniqueco-Property-Services-tender-2020.pdf](#)

Commencement Date means 1st February 2021.

Term means the term of this Agreement commencing on the Commencement Date and expiring on 31 January 2024

Misleading and plainly false statements by Mr. John Gore in agenda for Extraordinary General Meeting on 30 November 2023

UNIQUECO PTY LTD QUOTE FOR CARETAKING SERVICES 2024-2026

The quote from UNIQUECO is attached. It proposes a cost of \$439,000 for each of the three years 2024-2026. This is an increase of 27% on the 2021-2023 price of \$346 535.

The reasons for the increase are explained in the proposal. However, there is no detail about how these figures were calculated. I have calculated the total costs based on the following researched information and assumptions:

1. The inflation rate for the three years 2021-2023 being 18.33%
2. 2% inflation increase was built into the 2021-2023 agreement (1% for each of years 2022 and 2023)
3. The equivalent starting price at the beginning of 2024 with an increase of 16.33% of \$403,124.
4. Anticipated inflation 2024-2026 is difficult to predict and I suggest that a figure of 3.5% based on the predictions of inflation falling to 4% in 2024 and possibly lower in the proceeding years.
5. To cover this uncertainty, I recommend that the agreement include a phrase that the base figure (2 above) increase cumulatively for each of years 2024-2026 by 3.5% and any variation with the CPI (up or down) be added/subtracted to the following year as an adjustment.

Based on this information and assumptions the payments for the period 2024-2026 would be:

| | |
|------|-----------|
| 2024 | \$417,233 |
| 2025 | \$431,836 |
| 2026 | \$446,950 |

The request for the same total payment in each of years 2024-2026 seems a strange way to calculate payments because it does not allow for variations which could disadvantage of advantage either UNIQUECO or strata. However, UNIQUECO in their response have indicated that they would accept the total figures but, as explained in their response, do not what an inflation adjustment on a yearly basis.

The strata committee can consider each set of total figures and decide which one it wants to recommend to the AGM. Either is acceptable to me.

For your consideration and decision at the next strata meeting.

John Gore

Evidence to refute Lot 200 - Mr. John Gore's statements

In agenda for AGM 2023, Mr. Gore published figure of 18% inflation for the last three years but had figure of 18.3% in agenda for EGM 2023 (both of them heavily incorrect)

[SP52948-Chairperson-John-Gore-misleading-and-false-statements-agenda-AGM-2023.png](#)

He failed to justify that figure at AGM 2023 and EGM 2023.

Even layman can easily confirm that figure for official inflation rates of 18% for three years prior to 2023 were grossly inflated, false, and deliberately designed to coerce owners:

Historical inflation rates in comparison

| Year | Australia | Ø EU | Ø USA | Ø World |
|------|-----------|--------|--------|---------|
| 2022 | 6.59 % | 8.83 % | 8.00 % | 8.27 % |
| 2021 | 2.86 % | 2.55 % | 4.70 % | 3.48 % |
| 2020 | 0.85 % | 0.48 % | 1.23 % | 1.93 % |

[Australian historical inflation rates at WorldData](#)

[Australian historical inflation rates at MacroTrends](#)

Waratah Strata Management failed to publish information that committee Chairperson (SP52948 Lot 200, Mr. John Gore) put their property for sale on 26 October 2023 - on day of general meeting, had six proxy votes for the meeting, got elected on the committee, voted to increase levies by 7.91% for other owners whilst he did not intend to pay for them. Domain website claimed that Lot 200 sale was known to them since 24 October 2023 (two days before the AGM)

Six proxy votes were given for Lot 200 at AGM 2023 without disclosure to owners that Mr. John Gore was leaving the complex as a matter of secret urgency:

[SP52948-six-proxy-votes-for-Lot-200-AGM-26Oct2023.png](#)

Lot 200 is a townhouse and it was sold prior to auction at price of \$1,670,000.00 on 4 November 2023:

[SP52948-Lot-200-sold-prior-to-auction-4Nov2023.png](#)

Waratah Strata Management declined to respond to inquiries why this false candidacy for committee membership was allowed.

Building Management Australia submitted their quote for building management tender to Mr. John Gore on 3 November 2023, whilst Mr. Gore was already not legal to represent SP52948 due to property sale. Lot 158 approached Director of Building Management Australia as there was serious suspicion that their quote was deliberately made to look bad

- On 10 November 2023, Lot 158 sent email to eight committee members and Waratah Strata Management. The subject line of the email was "SUMMARY Incomplete agenda for EGM 2023 on 30Nov2023 with extreme risk of bankruptcy":

[SP52948-Waratah-Strata-Management-failed-to-respond-to-concerns-about-incomplete-agenda-for-EGM-2023-10Nov2023.html](#)

- There is no evidence that Building Management Australia had same requirements for tender, making their quote void and useless:

[SP52948-Uniqueco-Property-Services-tender-2020.pdf](#)

- Waratah Strata Management failed to provide strata files to Lot 158 on 13 November 2023:

In accordance with Strata Schemes Management Act 2015 (NSW), Sch1, Part 10(1), Lot 158 requests that owners corporation provides copies of administrative fund, the capital works fund and any other fund of the owners corporation (term deposits and trust accounts, and others as applicable), which have to be produced to the owner at least two days before the meeting at which the statements are to be presented (EGM on 30 November 2023).

Of special interest will be evidence of how Waratah Strata Management paid invoices from Admin Fund which had negative balance almost 100% of the time during FY 2023 and so far in FY 2024. If the money was borrowed from Capital Works Fund, Waratah Strata Management must have complied with Strata Schemes Management Act 2015 Section 76.

*As of today, deficit (negative balance) in Admin Fund is **-\$122,658.53**, without any significant income until 1 February 2024.*

[SP52948-request-to-Waratah-Strata-Management-to-provide-financial-documents-for-EGM-2023-13Nov2023.html](#)

Waratah Strata Management failed to comply with the request before, at, and after AGM on 30 November 2023.

On 29 November 2023, committee members, including ex-owner Mr. Gore, received Lot 158 concerns, which they did not respond to or address before, at, and after EGM 2023

[SP52948-committee-members-failed-to-respond-to-Lot-158-complaints-about-EGM-2023-29Nov2023.html](#)

Waratah Strata Management, with support of Mr. John Gore, failed to include Lot 158 Motions for EGM 2023 on 30 November 2023, practically disallowing owners to make informed decisions

[SP52948-Motions-by-Lot-158-EGM-public-30Oct2023.pdf](#)

Waratah Strata Management, with support of Mr. John Gore, failed to enforce Uniqueco Property Services to respond to serious allegations of mismanagement, including misappropriation of funds (accessory to crime)

[SP52948-Uniqueco-Property-Services-ignored-Lot-158-request-for-overdue-repairs-27Oct2023.html](#)

Since 2017, Waratah Strata Management with support of Mr. John Gore, makes every effort to protect Uniqueco Property Services, in spite of their below-average services and high costs

[SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2017.pdf](#)

[SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2018.pdf](#)

Waratah Strata Management, with support of Mr. John Gore, failed to inform owners about extreme negative balances in Admin Fund, which on 31 October 2023 reached worst record of \$312,113.03

| | | | |
|--------|---------------------------|-----------|------------|
| 190200 | Utility--Electricity | 17,860.16 | 53,704.10 |
| 190400 | Utility--Gas | 0.00 | 27,768.79 |
| 191200 | Utility--Water & Sewerage | 28,082.24 | 100,993.06 |

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

Administrative Fund

| | Current period 01/09/2023-31/10/2023 | Previous year 01/09/2022-31/08/2023 |
|------------------------|--|---|
| Total expenses | 318,600.40 | 903,398.93 |
| Surplus/Deficit | (318,233.76) | (69,680.22) |
| Opening balance | 6,120.73 | 75,800.95 |
| Closing balance | -\$312,113.03 | \$6,120.73 |

Agenda for EGM 2023 contained three Motions which did not comply with definition of Motion by Strata Community Australia (NSW)

Topic: SP 52948 - General Meeting

Time: Nov 30, 2023 06:00 PM Canberra, Melbourne, Sydney

Join Zoom Meeting

<https://us06web.zoom.us/j/87661877354?pwd=NrrMB5QqxABBZt9fN80bavI84MMMMIY.1>

Meeting ID: 876 6187 7354

Passcode: 362624

One tap mobile

+61280156011,,87661877354# Australia

Dial by your location

• +61 2 8015 6011 Australia

The Agenda for the meeting is:

1 MINUTES

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

2 BUILDING & FACILITIES MANAGEMENT AGREEMENT

That in accordance with section 67 of the Strata Schemes Management Act 2015, fee proposals supplied by Uniqueco Pty Ltd and Building Management Australia for building management be tabled and discussed.

3 LOT 7 RENOVATION

That the application submitted by Lot 7 for Major Renovation be tabled and discussed.

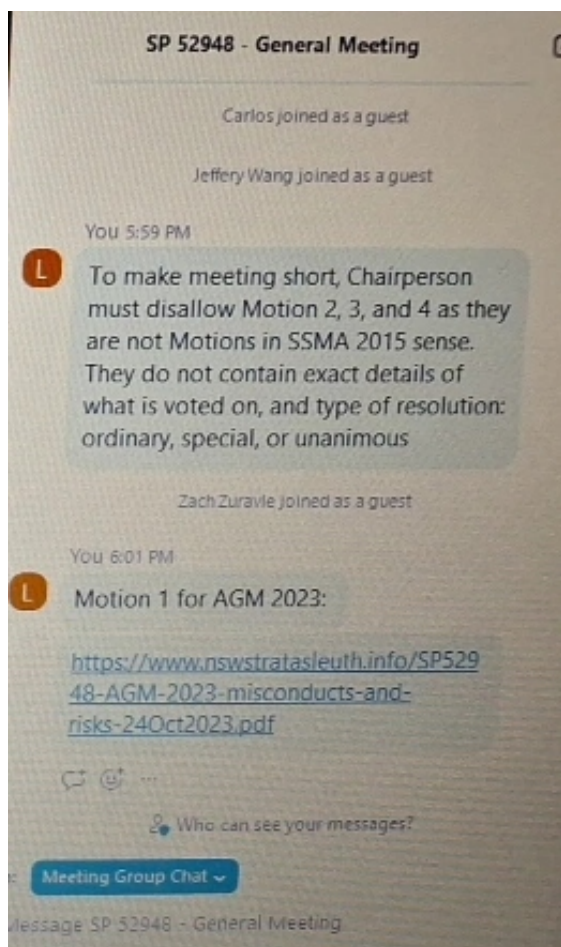
[Explanatory Note: The application attached pages 22 to 35 of the agenda.]

Agenda Page 1 of 66

4 LOT 39 RENOVATION

That the application submitted by Lot 39 for Major Renovation be tabled and discussed.

On the day of EGM on 30 November 2023, Lot 158 submitted the following request, which was ignored by committee members and Waratah Strata Management:



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

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

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

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

The notice must also:

- State the intention to propose the resolution as a <type> resolution; and
- Set out the proposed resolution in full.

Two examples of how proper tender should be conducted:

- SP52948 AGM 2014, with separate Motions for each quote for the building management contract (AGM 2014 had many other problems, but at least the Motions were partially valid, albeit without any details of the tender):

No.6 That in accordance with Section 40A of the Act, Uniqueco Pty Ltd is appointed as a caretaker on terms and conditions to be converted to a legally binding contract for a minimum period of two years commencing 1st January 2015 ("Caretaker Agreement") that give effect to the tender submitted (with a cost for calendar 2015 of **\$289,000**) and such reasonable commercial arrangements determined by the Executive Committee regarding payment and delivery of these services.

No.7 That in accordance with Section 40A of the Act Universal Strata Services Pty Ltd is reappointed as a caretaker on terms and conditions to be converted to a legally binding contract for a minimum period of two years commencing 1st January 2015 ("Caretaker Agreement") that give effect to the tender submitted (with a cost for calendar 2015 of **\$322,560**) and such reasonable commercial arrangements determined by the Executive Committee regarding payment and delivery of these services.

- An example of tender by Strata Community:

MOTION 6. Building Management Tender

THAT the Building Management tender documentation and timeline be accepted and next steps be determined.

It was noted that the lawyer is to review the final contract. An EGM will be arranged by the Strata Manager as soon as possible to decide upon the unanimous Strata Committee Building Management tender recommendation.

Since 1999, SP52948 never had a proper tender for strata and building management contracts, which Solicitor Adrian Mueller coerced NCAT to ignore through falsified statements in NCAT case SC 20/33352

[NCAT-case-20-33352-SP52948-brief-log-of-events-related-to-contracts-for-strata-and-building-managers-in-period-1999-to-Oct2020.pdf](#)

[SP52948-BCS-Strata-Management-negotiating-secret-strata-manager-contract-and-never-delivered-benefits-to-owners.pdf](#)

Same applies to other major expenses, which Solicitor Adrian Mueller coerced NCAT to ignore through falsified statements:

[NCAT-case-20-33352-SP52948-brief-log-of-events-related-to-electricity-supply-contract-in-2011-2015-and-2018.pdf](#)

[NCAT-case-20-33352-SP52948-brief-log-of-events-related-to-elevator-maintenance-and-replacement-contract-in-three-periods-2005-2017-and-2018.pdf](#)

[NCAT-case-20-33352-SP52948-brief-log-of-events-related-to-BigAir-illegal-ISP-operation-for-four-years-huge-losses-to-owners-corporation-final-eviction-and-deed-of-settlement-without-owners-corporation-approval-Jun2018.pdf](#)

Waratah Strata Management, with support of Mr. John Gore, failed to provide evidence that amendments to Consolidated By-Laws had been registered with NSW Land Registry Services before renovation works started for Lot 27, 72, and 103 in FY 2023

- Waratah Strata Management, with support of Mr. John Gore, failed to provide evidence why was Lot 87 allowed to complete major renovations in FY 2023, without approval at any general meeting:

[SP52948-Block-C-notice-Lot-87-replacing-timber-floor-and-kitchen-renovation-photo-1-21May2023.webp](#)

- Waratah Strata Management, with support of Mr. John Gore, failed to provide evidence that amendments to Consolidated By-Laws were registered with NSW Land Registry Services before renovation works started for Lot 27, 72, and 103 in FY 2023.

- Waratah Strata Management, with support of Mr. John Gore, failed to provide evidence if owners of other units which allegedly got approval for major renovations (Lot 27 and 103 at non-compliant EGM on 27 April 2023, and Lot 72 at non-compliant EGM on 17 August 2023):

Provided dilapidation report (Consolidated By-Laws, Special By-Law 13, Paragraph 1)

Deposited bond in amount of \$1,000.00 (for total cost of works less than \$20,000.00) or \$5,000.00 (for total cost of works greater than or equal to \$20,000.00) (Consolidated By-Laws, Special By-Law 13, Paragraph 16 (i))

Paid fees in amount of \$500.00 for registration of the addendum to the Major Renovations work (Consolidated By-Laws, Special By-Law 13, Paragraphs 11 and 19)

Paid application fee in amount of \$120.00 (excl GST) to strata manager for application review

Paid due fees for strata managing agent's reasonable costs for holding a general meeting to approve the Major Renovation, including printing and postage of agendas and minutes (Consolidated By-Laws, Special By-Law 13, Paragraph 19)

- Waratah Strata Management, Mr. John Gore, and Uniqueco Property Services allowed extensive noise, dust, and prolonged renovations, as example for Lot 27 shows:

First notice for Lot 27, with major renovations from 1 May 2023 to 16 June 2023

[SP52948-Block-B-notice-Lot-27-major-renovations-photo-2-21May2023.webp](#)

Second notice for Lot 27, extending major renovations (and more jack hammering noise) to 7 July 2023

[SP52948-Block-B-notice-Lot-27-major-renovations-extended-photo-1-28Jun2023.webp](#)

Third notice for Lot 127, extending major renovations to 14 July 2023

[SP52948-Block-B-notice-Lot-27-major-renovations-extended-second-time-photo-1-9Jul2023.webp](#)

Waratah Strata Management, with support of Mr. John Gore, failed to provide evidence if Lot 7 and 39 complied with costs in Consolidated By-Laws Special By-Law 13 before or at EGM on 30 November 2023

On the day of EGM on 30 November 2023, Auditor's report was still not available for FY 2023, 35 days after due date

[SP52948-Consolidated-By-Laws-17Nov2022.pdf](#)

Clause 21 of the Strata Schemes Management Regulations 2016 requires that the accounts and financial statements of the owners corporation with budget above \$250,000.00 must be audited before presentation at Annual General Meeting (AGM) in accordance with Section 95 of the Strata Schemes Management Act 2015. That is what the law prescribes.

Waratah Strata Management, since 2017, failed to comply with SSMA 2015 and SSMR 2016 six times, whilst in other two years the Auditor's Report in our complex was highly dubious and questionable:

[Waratah-Strata-Management-non-compliance-of-SP52948-Auditor-reports.html](#)

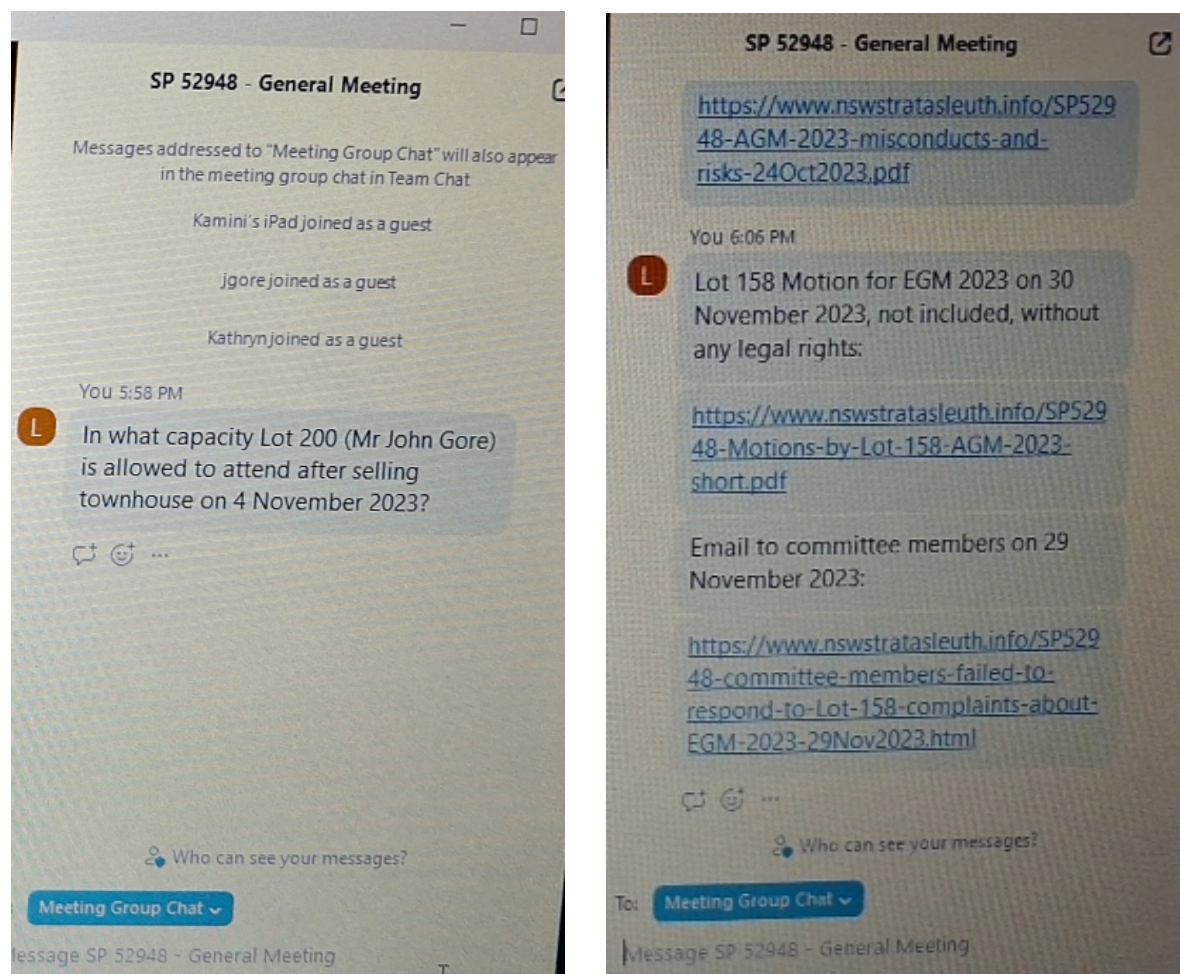
| Date of Signed Auditor's Report | SP52948 Annual General Meeting Date | Owners received Auditor's Report? | Auditor's Name/Company | Auditor's Document |
|---|---|-----------------------------------|--|---|
| <p>20 October 2017 (published two and half years after due date without any financial details in late April 2020 but backdated on Waratah Strata Management website to 31 August 2017, Solicitor Adrian Mueller rejected strata files access to O'Brien Criminal & Civil Solicitors, including auditor's reports for 2017 and 2018, on 14 November 2019, claiming that they were "likely not available" and asking "what was the purpose pressing for the records to be produced")</p> | <p>24 October 2017 (general meeting did not satisfy requirements for quorum and allowed unfinancial owners to vote and be elected as committee members; Waratah Strata Management complied with secret plan by Solicitor Adrian Mueller to prevent Lot 158 Motions at the general meeting; Waratah Strata Management contract renewed without tender or disclosure of contract details, and signed by two unfinancial committee members Mr. Stan Pogorelsky and Mr. Moses Levitt on same day as the general meeting - the same two illegal committee members voted and signed Waratah Strata Management contract at general meeting in 2016 and secretly increased base value from \$21,800.00, as approved at the general meeting, to \$23,110.00 without owners knowledge on 14 December 2016; Waratah Strata Management even carried seven proxy votes approving their own contract and undeclared base salary increase of 11.5% at AGM 2017)</p> | No | Robert Bates (he retired in 2018 and passed away on 16 May 2022) | SP52948-Audit-FY-ending-31Aug2017-appeared-after-two-and-half-years |
| <p>18 October 2018 (1 day after due date - but not published even as late as 29 May 2019, and Solicitor Adrian Mueller rejected strata files access to O'Brien Criminal & Civil Solicitors, including auditor's reports for 2017 and 2018, on 14 November 2019, claiming that they were "likely not available" and asking "what was the purpose pressing for the records to be produced")</p> | <p>18 October 2018 (general meeting did not satisfy requirements for quorum and allowed unfinancial owners to vote and be elected as committee members; Waratah Strata Management complied with plan by Solicitor Adrian Mueller to prevent Lot 158 Motions at the general meeting; Waratah Strata Management and Police failed to inform owners about massive data losses due to lost USB key for investigations in Police Event E65804633; while Waratah Strata Management and Economos Auditor failed to respond to inquiries about dubious utility expenses and financial accounting data for FY 2018 with unexplained differences for income and expenditure FY 2018 audited figures provided for AGM 2018 and AGM 2019)</p> | No | George Venardos, Economos | SP52948-Audit-FY-ending-31Aug2018 |
| 20 September 2019 | <p>17 October 2019 (general meeting did not satisfy requirements for quorum and allowed unfinancial owners to vote and be elected as committee members - the fraud was so big that Waratah Strata Management even allowed Motion 14 to be voted before Motion 4, allowing unfinancial owners Lot 147 Mr. Moses Levitt and Lot 181 Mr. Stan Pogorelsky yet again to be elected on the committee and declined to report it in the minutes of the meeting; Waratah Strata Management complied with plan by Solicitor Adrian Mueller to prevent Lot 158 Motions at the general meeting; Admin Fund had negative balance of \$131,852.25 without disclosure to owners; whilst Balance Sheet reported negative balance in Admin Fund of \$131,852.25 and Income and Expenditure Report listed positive balance in Admin Fund of \$49,386.78; Waratah Strata Management failed to provide full details of second massive data loss in two years, which happened in February 2019 due to alleged ransomware attack, where Bitcoin ransom was paid by a third-party known to</p> | Yes | George Venardos, Economos | SP52948-Audit-FY-ending-31Aug2019 |

| | | | | |
|---|---|-----|---------------------------|---|
| 3 November 2020 (13 days after due date) | <p>Waratah Strata Management to the threat actor in the equivalent amount of \$5,052.03; Waratah Strata Management contract renewed without tender or disclosure of contract details, and signed by two unfinancial committee members Mr. Stan Pogorelsky and Mr. Moses Levitt on same day as the general meeting)</p> <p>22 October 2020 (general meeting did not satisfy requirements for quorum and allowed unfinancial owners to vote and be elected as committee members; Waratah Strata Management complied with plan by Solicitor Adrian Mueller to prevent Lot 158 Motions at the general meeting, coercing owners to vote against ratification of past events; Admin Fund had positive balance of only \$14,411.82, but three days later on 31 October 2020 it showed balance of only \$8,368.92 without disclosure to owners; Waratah Strata Management prevented the following competitive quotes from tenders for strata and building management: Strata Excellence, Strata Title Management, Netstrata, Curtis Strata Cleaning, Forte Asset Services, Clean and Secure Building Management, Jim's Mowing)</p> | No | George Venardos, Economos | SP52948-Audit-FY-ending-31Aug2020 |
| 29 September 2021 | <p>28 October 2021 (Admin Fund had positive balance of only \$1,019.14, but three days later on 31 October 2021 it showed negative balance of \$120,210.65 without disclosure to owners; non-compliant committee meeting on 23 September 2021 documented shortage of \$1,515,541.00 in Capital Works Fund against the forecast in April 2017 but failed to include it at the general meeting; Waratah Strata Management failed to notify owners about flaws in 10-Year Capital Works Fund plans, further delaying overdue upgrades and repairs due to lack of funds)</p> | Yes | George Venardos, Economos | SP52948-Audit-FY-ending-31Aug2021 |
| 7 December 2022 (43 days after due date) | <p>27 October 2022 (Waratah Strata Management complied with plan by Solicitor Adrian Mueller prevent Lot 158 Motions at the general meeting, coercing owners to vote against ratification of past events; Admin Fund had negative balance of \$169,157.11 in Balance Sheet, but in Income & Expenditure Report on the same day Admin Fund had negative balance of \$203,914.85 without disclosure to owners; Waratah Strata Management allowed \$146 million dollar SP52948 complex to have expired insurance policy for five days, creating high risks for uninsured common property; Waratah Strata Management coerced Economos Auditor to sign financial status by hiding \$10,000.00 in accounting figures for legal costs of Solicitor Adrian Mueller; payment from Misc income to AIG insurance company dated 8 August 2022 in amount of \$4,545.45 (GST excl) proves that SP52948 received payments for the SAME alleged legal costs for Solicitor Adrian Mueller from insurance company in amount of \$19,758.14 (GST excl) on 25 March 2022 (undeclared to owners and Supreme Court by Waratah Strata Management, committee members, and Solicitor Adrian Mueller himself) and Lot 158 first instalment payment in amount of \$4,545.45 (GST excl) on 2 July 2022. SP52948 was paid twice for the same legal costs in period from 2 July 2022 to 8 August 2022; Waratah Strata Management contract was renewed without tender or disclosure of contract details, and allegedly signed by committee member Mrs. Marianna Paltikian who did not disclose her gas heating connection and unpaid levies which she inherited from previous Lot 88 owner, and even voted against paying for overdue levies for gas</p> | No | George Venardos, Economos | SP52948-Audit-FY-ending-31Aug2022 |

| | | | | |
|---|--|-----------|----------------------------------|--|
| <p>11 December 2023 (46 days after due date, but only made available on 14 December 2023, 49 days after due date)</p> | <p>heating at AGM 2019)) 26 October 2023 (Waratah Strata Management prevented Lot 158 Motions to hide mismanagement, criminal activities, and poor financial status; Waratah Strata Management attempted to renew three-year contract with Uniqueco Property Services without tender and Motion; Admin Fund had negative balance of \$242,432.81 in Balance Sheet; Waratah Strata Management and Uniqueco Property Services did not provide proof of validity and justification of expenses in amount of \$122,843.87 (GST excl); AGM 2023 misconduct and illegal activities; Waratah Strata Management prevented owners from having information about NSW Fair Trading case 11138875 about their failures to have Auditor's reports before general meetings; Economos again completed their audit in non-compliance with regulations for AGM 2023 46 days late after due date on 11 December 2023 but Waratah Strata Management published it on their website 49 days after AGM 2023)</p> | <p>No</p> | <p>George Venardos, Economos</p> | <p>SP52948-Audit-FY-ending-31Aug2023</p> |
| <p>11 December 2023 (11 days after due date, but only made available on 14 December 2023, 14 days after due date)</p> | <p>30 November 2023 (Waratah Strata Management prevented Lot 158 Motions to hide mismanagement, criminal activities, and poor financial status; Waratah Strata Management orchestrated renewal of three-year contract with Uniqueco Property Services without valid tender and valid Motion; Admin Fund had negative balance of \$126,629.39 in Balance Sheet; Waratah Strata Management and Uniqueco Property Services did not provide proof of validity and justification of expenses in amount of \$122,843.87 (GST excl); Waratah Strata Management did not address any of AGM 2023 misconduct and illegal activities; Waratah Strata Management did not allow owners to have information about pending legal case to terminate contract with Uniqueco Property Services; Waratah Strata Management prevented owners from having information about NSW Fair Trading case 11138875 about their failures to have Auditor's reports before general meetings; Economos again completed their audit in non-compliance with regulations for AGM 2023 46 days late after due date on 11 December 2023 but Waratah Strata Management published it on their website 14 days after EGM 2023) No George Venardos, Economos SP52948-Audit-FY-ending-31Aug2023</p> | <p>No</p> | <p>George Venardos, Economos</p> | <p>SP52948-Audit-FY-ending-31Aug2023</p> |

On the day of EGM on 30 November 2023, Waratah Strata Management, with support of Mr. John Gore (who attended without legal rights due to not being an owner since 4 November 2023, holding eight proxy votes, and failing to respond to questions about it at the meeting), hid information from owners that Admin Fund had negative balance of \$131,161.52, and no new income was possible until 1 February 2024

[SP52948-Income-and-Expenditure-Report-1Sep2023-to-30Nov2023.pdf](#)



EGM on 30 November 2023 – Eight proxy votes for Lot 200 (Mr. John Gore who failed to provide answer about validity of his attendance due to undisclosed sale of property on 4 November 2023):

| | | | |
|-----|-----|-----|---|
| 68 | 68 | Yes | Mr Simon P. Sheen (Proxy to Lot 200) |
| 194 | 194 | Yes | Hyeok Jin & Kisung Ha (Proxy to Lot 200) |
| 196 | 196 | Yes | Sun Moon Woo & Yu Jeong Gee (Proxy to Lot 200) |
| 201 | 201 | Yes | Ms Ziba Zohrehvandi (Proxy to Lot 200) |
| 205 | 205 | Yes | Chan & Xiao Wen Yang-Chan, Michael Chun Tao (Proxy to Lot 200) |
| 206 | 206 | Yes | Mr Richard Shannon & Mrs Amanda Shannon (Proxy to Lot 200) |
| 207 | 207 | Yes | Miss Anna Lee (Proxy to Lot 200) |
| 219 | 219 | Yes | Gengfeng Huang & Xinyi Liang (Proxy to Lot 200) |

Mr. Gore resigned half a day later on 1 December 2023:

From: jgore5
Sent: Friday, 1 December 2023 12:20 PM
To: Heath Crosbie | Waratah Strata Management <heath@waratahstrata.com.au>
Subject: Resignation

Hi Heath

Please accept this email as a resignation from the Macquarie Gardens Strata Committee as of today. Thank you for your work at Waratah Strata and best wishes.

John Gore.

On 31 March 2024 Waratah Strata Management, Uniqueco Property Services, and committee members made aware of falsified count of votes at EGM held on 30 November 2023

Two managers from Waratah Strata Management (Mr. Robert Crosbie and Mr. Heath Crosbie), director of Uniqueco Property Services (Mr. Steve Carbone), and eight committee members (Mr. Stan Pogorelsky, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, Mr. Jeffery Wang, Mr. Basil Gionea) received an email documenting the following:

- Contract with Uniqueco Property Services was based on coercive actions and what in legal terms is called rigged tender to cause significant losses to owners corporation at the time when owners' funds are in deep negative balances.
- Alleged minutes of this meeting listed many votes, which included these owners who had outstanding levies as of cut-off date, including Lot 7 who attended in person to "vote" for his major renovation:

| Lot | Outstanding levies |
|---------|-------------------------------|
| Lot 6 | \$0.30 (proxy to Lot 88) |
| Lot 7 | \$1,238.80 |
| Lot 16 | \$1,461.10 (proxy to Lot 142) |
| Lot 23 | \$1,492.90 (proxy to Lot 151) |
| Lot 40 | \$1,679.10 (proxy to Lot 151) |
| Lot 72 | \$1,397.55 (proxy to Lot 218) |
| Lot 150 | \$1,175.25 (proxy to Lot 142) |
| Lot 167 | \$1,397.55 (proxy to Lot 170) |
| Lot 176 | \$4.97 (proxy to Lot 181) |
| Lot 185 | \$1,556.40 (proxy to Lot 88) |
| Lot 194 | \$0.45 (proxy to Lot 200) |

Lot 181 is a special case. Without disclosing herewith the full reasons, his attendance at meetings and membership of the committee is INVALID for many years. At EGM 2023 he carried 10 proxy votes.

Owners “approved” Uniqueco Property Management contract at AGM 2020 without tender, with flat fees for three-year period, which ends on 31 January 2024, so new contract could not start at beginning of 2024

GST is excluded from the prices shown below.

From 1 February 2021 to 31 January 2024 [Three (3) years]

| | Annual Price | Monthly Price |
|------------------|---------------------|---------------------|
| Day Caretaking | \$142,250.00 | \$11,854.17 |
| Pool Maintenance | \$ 12,944.00 | \$ 1,078.67 |
| Gardening | \$ 61,153.00 | \$ 5,096.08 |
| Night Caretaking | <u>\$123,394.00</u> | <u>\$ 10,282.83</u> |
| Total | <u>\$339,741.00</u> | <u>\$ 28,311.75</u> |

Schedule 3 Hours of Coverage

- 1 The Contractor will provide Caretaking Services to the Premises between the hours of 4.00am to 7.00pm Mondays to Fridays and 9.00am to 3.00pm Saturdays and Sundays and will provide after-hours service at all times to respond to emergencies onsite within one [1] hour of notification.
- 2 The Contractor will provide a Caretaker to the Premises on Public Holidays for a 6 hour shift from 5.00am to 11.00am.
- 3 The Contractor will provide cleaning services to the Premises seven [7] days each week, which will include a minimum six [6] hours per day for Saturdays and Sundays and any Public Holidays.
- 4 The Contractor will provide a minimum of one security person on site from 7.00pm to 4.00am Mondays to Fridays, 6.30pm to 4.00am Saturdays and Sundays and 6.00pm to 4.00am Public Holidays.
- 5 Gardening and Pool hours of coverage are to be sufficient to provide all the services listed at the frequency specified to standards determined by the Quality Assurance Standard document

AGM 2020 failed to comply with strata laws, like most of meetings since Waratah Strata Management took office on 1 February 2017:

[SP52948-Waratah-Strata-Management-organised-non-compliant-ordinary-committee-meetings-in-period-2017-to-2022.html](#)

[SP52948-Solicitor-Adrian-Mueller-provided-advice-how-to-ensure-Motions-by-Lot-158-be-ignored-effectively-coercing-owners-to-vote-against-ratification-of-past-events-AGM-2020.pdf](#)

1) Waratah Strata Management, with support of Mr. John Gore, failed to inform owners about quality of services that Uniqueco Property Services offered:

[SP52948-continuous-delays-with-fire-and-OHS-problems.html](#)

[SP52948-ongoing-maintenance-problems-mostly-ignored-by-Waratah-Strata-Management.html](#)

[SP52948-discrimination-of-dog-owners-and-lack-of-compliance-with-by-laws.html](#)

[SP52948-risks-with-fallen-trees-and-lack-of-their-proactive-maintenance.html](#)

[SP52948-continuous-problems-with-smoking-and-health-hazards.html](#)

[SP52948-Waratah-Strata-Management-and-Uniqueco-Property-Services-repeatedly-allow-excessive-noise-and-pollution-during-renovations-that-were-not-properly-approved-at-general-meetings.html](#)

Waratah Strata Management (and Mr. Gore) failed to present tender from Complete Building Management Group at AGM 2017 and allowed Uniqueco Property Services to renew contract without tender

[Complete-Building-Management-bid-proposal-kept-secret-from-owners.pdf](#)

Waratah Strata Management (and Mr. Gore) disallowed the following tenders for strata and building management contracts at AGM 2020 without valid reasons

Three very competitive quotes for building management contract:

- Curtis Strata Cleaning
- Forte Asset Services
- Clean and Secure Building Management

All three of them offered two options for security services with licensed staff:

- Patrols two times a night in around 30 minute duration each time,
- Full 10-hour a night onsite security.

The reason for option with patrols:

- All fire doors in the basement in the complex now have alarms,
- New CCTV system.

Very competitive quote from Jim's Mowing franchise for gardening.

Three very competitive quotes for the strata management contract:

- Strata Excellence
- Strata Title Management
- Netstrata

Waratah Strata Management, with support of Mr. John Gore, failed to inform owners about discrimination by with Uniqueco Property Services in regards to maintaining common property for Lot 158

[SP52948-Lot-158-unresolved-common-property-issues-Oct2023.pdf](#)

Nine requests to obtain access to CCTV recordings for stalking, harassment, intimidation, and threats against Lot 158 were silently ignored by Waratah Strata Management, committee members, and Uniqueco Property Services. Examples:

[SP52948-Example-of-preventing-access-to-CCTV-recording-as-evidence-in-Police-event-dated-11Aug2019](#)

[SP52948-Waratah-Strata-Management-allowed-CCTV-evidence-to-be-overwritten-23Jul2020](#)

[Waratah Strata Management ignored Lot 158 request for CCTV evidence in Police Event E95762188 on 13 April 2023](#)

Document search on 8 June 2022 found secret email from Uniqueco Property Services to Waratah Strata Management, showing determination to prevent Lot 158 from accessing common property (CCTV recording) that is owned by owners corporation, not by a temporary building manager:

[SP52948-secret-email-with-refusal-by-Uniqueco-Property-Services-to-provide-access-to-CCTV-for-security-related-incident-22Oct2020](#)

WSMWS05 - TeamViewer

File Smart Archive

File View Scan Check Subscription Action Help

Control Panel

Search -

Libraries and Folders

My Archive Folders

- STRATA
 - Owners Corporation
 - Payments / Maintenance

Search View

Plan Number: 52948

Address: [Dropdown]

Manager: [Dropdown]

Doc. Type: CORRESPONDENCE

Date From: Not Specified

Date To: Not Specified

Notes: [Text Area]

Show on Portals:
 Executive
 Owner

Portal Description: [Dropdown]

Document ID: [Dropdown]

User Name: [Dropdown]

Archive Date From: Not Specified

Archive Date To: Not Specified

From: Uniqueco Pty Ltd

To: "Robert Crosbie"

Subject: Re: REQUEST TO PROVIDE COPIES OF TWO CCTV RECORDINGS: SP52948 events on 17 and 18Oct2020

Sent: 22/10/2020 4:40:32 PM

Our contract DOES NOT mention giving access to CCTV footage or downloading copies for owners. This may need to be tentised and discussed at a later date with the EC.

OUR CONTRACT:

3.6 states that - Covert video surveillance by way of CCTV cameras ... such legal action or legal proceedings as a consequence of any alleged unlawful activity.

The Contractor will maintain CCTV footage for a reasonable periods of time (14 days) ... NO COPY ON USB AND GIVE TO OWNERS IS MENTIONED ANYWHERE!

25. Caretaking Services - is in reference to ensuring all occupants observe the by-laws ...

26. Monitor the use of common property facilities ...

NO MENTION OF CCTV FOOTAGE ETC.

We will contact security and inform them that Lot 158 is not allowed into the office to view footage etc. Lot 158 must contact Steve - which he won't be doing!

Good luck with the AGM tonight.

Kind regards,

Sandra Carbone
Agent
Uniquco Pty Ltd

List Tool

| Date | Doc Type | Plan Number | Address | Manager | Notes | Show on Portals | Portal D |
|------------|----------------|-------------|---|---------------|---------------------------|-----------------|----------|
| 1/11/2020 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Stuart Greene | Carpetmakers Report | | |
| 30/10/2020 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Stuart Greene | Animals By-Law | | |
| 29/10/2020 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Stuart Greene | Lot 175 Dog | | |
| 29/10/2020 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Stuart Greene | Lot 193 air conditioner | | |
| 29/10/2020 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Stuart Greene | Lot 177 levy query | | |
| 28/10/2020 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Stuart Greene | Lot 175 Dog | | |
| 28/10/2020 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Stuart Greene | Lot 175 Dog | | |
| 27/10/2020 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Stuart Greene | UNIT 115 AIR CONDITIONER | Executive | |
| 22/10/2020 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Stuart Greene | Lot 158 Defamation Letter | | |
| 22/10/2020 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Stuart Greene | Lot 158 CCTV | | |
| 22/10/2020 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Stuart Greene | Lot 158 CCTV | | |

One example of lack of actions by Waratah Strata Management and committee members: would any reasonable and law-abiding person ignore pleas of a female owner to stop her stalking and harassment:

Sent: Sunday, February 18, 2018 10:21 PM
 To: robert@waratahstrata.com.au
 Subject: EC Meeting 7th of February [Clarification + Action Sought]

To Waratah Strata Management Team,

I am writing this letter as a plea from one human being to another, and only ask that you and your contractors manage to perform the maintenance work with quality and with respect to all of the residents.

My husband and I are owners of Lot 158 in Strata Plan 52948.

My husband has tried on numerous occasions in the past few years to inform the staff on the state of the gardens, walls and public property in relation to their disrepair.

In these attempts I have felt harassed and intimidated in the complex I live in by staff (four in particular) of the Uniqueco group.

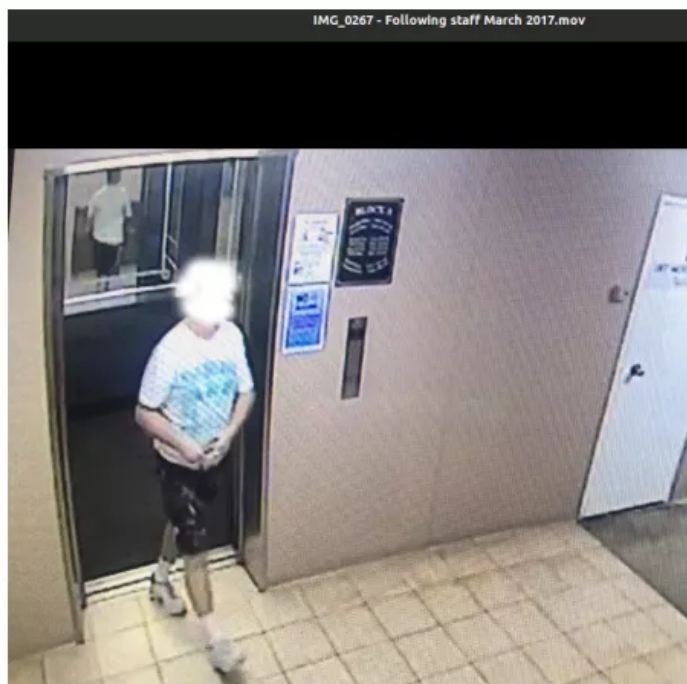
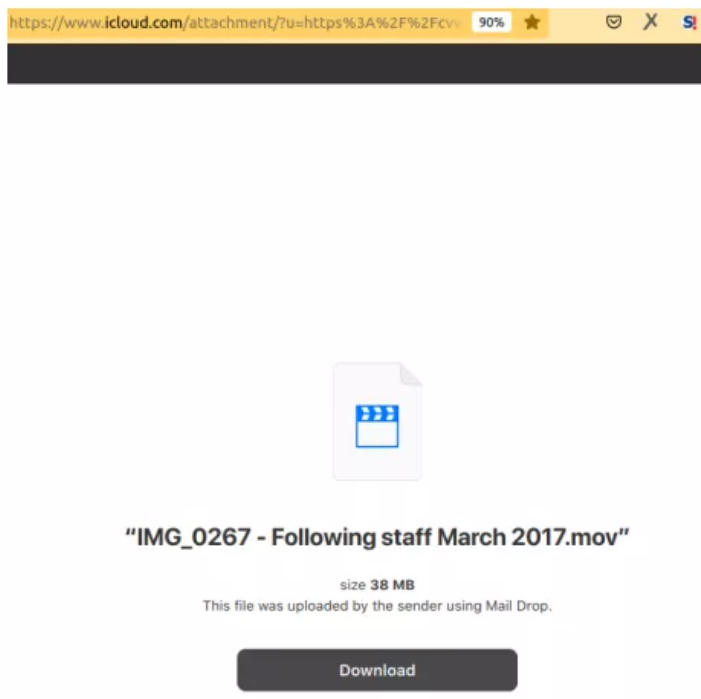
This has become such a heightened situation that I am required (upon advice from the police) to record my movements when I am alone in the complex and feel insecure. The agenda issued on the 7th of February incorrectly indicates I video staff while they work, which is not the case.

I ask for the following:
 A written confirmation that this behavior from Uniqueco group will cease
 This matter will be clarified and noted at the next EC Meeting

[SP52948-Waratah-Strata-Management-ignored-desperate-plea-by-Lot-158-female-to-prevent-her-stalking-and-harassment-18Feb2018](#)

Additionally, owners have no information about official rules for: who has access to footage, where the footage is kept, how it is kept (is it securely held?) and the process for obtaining access to the footage and then to ensure this is encapsulated in a by-law in addition to authorising any necessary services agreements required to install, maintain and operate the CCTV system. As an extreme example, maintenance staff uploaded video titled "IMG_0267 - Following staff March 2017.mov" into public cloud on internet on 11 August 2019 (and made it available ever since), without owners corporation approval, or approval of owners in question (the event happened

in 2017 and maintenance staff failed to produce it to Police and Lot 158 when requested in 2017). The video confirmed that staff member was not on duty on that day in 2017 as he was not wearing uniform:



Waratah Strata Management, with support of Mr. John Gore, failed to inform owners about seven Police Events for staff of Uniqueco Property Services committing stalking, harassment, and threats in SP52948 (in late 2023, Uniqueco Property Services re-employed Mr. Steve Westrip who had many Police reports for stalking, intimidation, and harassment). Even Police was declined access to CCTV and some of the video evidence was deliberately deleted

[SP52948-endangering-life-and-safety-of-owner-to-prevent-their-investigations-about-mismanagement-of-strata-complex.html](#)

- Police Event H64596706 on 14 May 2017 - staff member of Uniqueco Property Services Mr. Steve Westrip tried to cause criminal record for Lot 158 who tried to discuss and defend his wife against persistent stalking (case was later dismissed in Local Court), Mr. Steve Westrip and his manager Mr. Steve Carbone received numerous advanced complaints and pleas to stop with intimidation of female owner but they had ignored it.
- Police Event E66107079 on 31 August 2017 - continuous stalking of female owner of Lot 158 by Uniqueco Property Services Mr. Steve Carbone.
- Police Event E244254697 on 26 March 2018 - one week after the alleged assault committed by Lot 158 against Mr. Steve Westrip was dismissed in court, staff member of Uniqueco Property Services Mr. Steve Westrip again followed female owner of Lot 158 and caused harassment, intimidation, and fear which ended with her being taken to hospital with blood pressure above 220.
- Police event E69860959 on 26 October 2018 - staff member of Uniqueco Property Service Mr. Steve Westrip again tried to intimidate female owner of Lot 158 by taking photos/videos of her on his mobile phone without valid reason and acting in threatening manner towards her.
- Police event E265804296 on 14 November 2018 - two staff members of Uniqueco Property Services (one of them was Mr. Steve Westrip and the other cleaner Ms. Dorothy) tried to intimidate Lot 158 whilst he was collecting video and photo evidence of poor maintenance of the complex and fire safety non-compliance with state regulations (four years later as of November 2022, Uniqueco Property Services and Waratah Strata Management still have not complied with Ryde Council fire orders).
- Police event E372820993 on 11 August 2019 - staff member of Uniqueco Property Services Mr. Steve Westrip stalked and tried to intimidate Lot 158 whilst they were collecting video and photo evidence of damages to the tennis court.

- Police event E72924428 on 11 October 2019 – car of female owner of Lot 158 was damaged whilst parked on common property (by coincidence or not, Mr. Steve Westrip was working in the complex on that day and car of unfinancial committee member Mr. Stan Pogorelsky showed up parked near her car.

Waratah Strata Management, with support of Mr. John Gore, failed to inform owners about Ryde Council Reference 2158948 for Uniquenco Property Services repetitive attempts in 2015 and 2018/2019 to abuse Ryde Council land for car parking (Unnamed Park, Lot 202, DP848752, 440 Lane Cove Road, Classified as Public Recreation Space) without owners corporation knowledge or Ryde Council approval

- Uniquenco Property Services was instrumental, along with Waratah Strata Management and SP52948 committee members, in attempts to abuse public land for parking. Lot 158 eventually prevented it.
- The problems started before Uniquenco Property Services became building manager. In 2013, Chairperson Mr. Bruce Copland and building manager at the time made a secret decision to open the gates towards public land and use it for parking (in spite of City of Ryde rejecting the request for acquisition of public property because it was registered as recreational land, as confirmed in minutes of committee meeting held on 20 July 2011):

In discussion with _____, it has been noted that there is insufficient car spaces around the complex to support the amount of cars owned by Owners / Tenants. It was decided that the gates be opened – Car wash M2 area to allow cars to park there.

In minutes of committee meeting on 27 November 2013, completely different information was given to owners – misleading and false:

MOTION 10: To consider the replacement of the temporary gate in the fence to the area adjoining the M2 sound barrier with a permanent gate to facilitate access for mowing etc.

A quotation from H & F West, in the amount of \$3,760.00 plus GST, to supply and install a new powder coated steel gate and posts, adjacent to the car wash bay, was tabled.

Resolved to approve the quotation from H & F West, in the amount of \$3,760.00 plus GST, to supply and install a new powder coated steel gate and posts, adjacent to the car wash bay with the cost being funded from the Sinking Fund.

In early 2014, the new gate between the council land and the complex was silently installed at undisclosed and unapproved cost (owners never learned about real expenses and needs for it):

| TAX INVOICE | |
|---|-------------------|
| T/as / H&F West ABN / 30 413 213 905 | 20 January 2014 |
| INVOICE NUMBER / 1083 | |
| TO / OWNERS OF SP 52948 MACQUARIE GDNS, 1- 15 FONTENOY RD, NTH RYDE | |
| C / RAINE AND HORNE STRATA | |
| ATTENTION / PETER BONE | |
| Supply and install new powder coated gates adjacent to car wash bay as approved by Executive Committee | |
| <ul style="list-style-type: none"> * Remove existing gate and fence section * Install new gates, concreted into ground, similar style to existing * Remove rubbish on completion | |
| Total cost for labour and materials | \$ 3760.00 |
| 10 % GST | \$ 376.00 |
| TOTAL COST THIS QUOTATION INCLUDING GST | \$ 4136.00 |

- In 2015, and again in 2018/2019, Uniqueco Property Services allowed abuse of public land in spite of stern warnings by Lot 158:

[Strata-Plan-SP52948-repeated-offences-with-undisclosed-use-of-Ryde-Council-land-for-parking.pdf](#)

Waratah Strata Management, with support of Mr. John Gore, failed to inform owners about Uniqueco Property Services stopped doing number of activities that their predecessor undertook as part of standard services

- Touch-up painting of smaller areas within the complex. Here is an extract from minutes of committee meeting on 20 February 2013:

Garden bed walls. Steve, the new employee of the Building Manager, is to identify a section of garden bed wall that is showing significant signs of water penetration from the garden bed, scrape it back and paint it with a membrane based coating. This section of wall will then be monitored over a period of time to determine if the membrane coating has been successful in preventing water penetration / the leaching of salts & minerals etc. through the wall.

- Cleaning exhaust vents in bathrooms and laundries
- Mowing Ryde Council unnamed park Lot 202 DP848752, 440 Lane Cove Road, classified as Public Recreation Space. This started happening in 2019 after Uniqueco Property Services and Waratah Strata management were prevented by Lot 158 to allow selective owners to park illegally (Ryde Council Reference 2158948):

[Strata-Plan-SP52948-undisclosed-use-of-Ryde-Council-land-for-parking-May2019.pdf](#)

- On most work days, there is nobody on site between hours of 14:00 to 14:30 and 18:30 to 19:00
- Cleaning of foyers in Block A is only done two-three times a week
- Uniqueco Property Services actively involved in poor implementation of 10-Year Capital Works Fund:

[SP52948-discrepancies-in-BIV-report-for-10-Capital-Works-Fund-in-2017-and-2021.pdf](#)

Waratah Strata Management, with support of Mr. John Gore, failed to inform owners about Uniqueco Property Services failing to provide evidence of Police checks for building manager's staff and licenses for security guards working for Uniqueco Property Services, as approved by owners corporation since 2001

[SP52948-EC-meeting-in-Lot-151-caretaker-must-have-licensed-staff-10Jan2001.png](#)

[SP52948-EC-meeting-in-Lot-151-owners-petition-against-unlicensed-security-guards-10Jan2001.png](#)

[SP52948-Request-submitted-to-provide-details-of-staff-who-are-licensed-to-conduct-security-guard-duties-in-night-shift-3Mar2018.html](#)

[SP52948-owners-corporation-refuses-to-answer-if-security-guards-have-valid-licence-and-police-checks-for-last-two-years-17Sep2019.html](#)

Waratah Strata Management, with support of Mr. John Gore, failed to inform owners about Uniqueco Property Services staff (especially Mr. Steve Carbone who uses four different garages of owners in the complex) abusing parking regulations in the complex (parking in private garages or non-parking areas of common property whilst designated parking slot near tennis courts was empty)

Not only Mr. Carbone is deliberately abusing his status as an employee of the complex and acting in non-compliance of Uniqueco Property Services contract, but his actions are an insurance risk due to accidents and damages that might happen in private garages and in basement of the complex. Having unused designated parking slot for building management staff also means that owners waste their money on parking slot that could be used by other owners and visitors. Evidence in these photos:



SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-29Nov2023.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-27Nov2023.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-31Oct2023.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-26Oct2023.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-21Oct2023.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-18Oct2023.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-17Oct2023.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-10Oct2023.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-20Sep2023.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-9Oct2023.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-4Oct2023.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-23Mar2023.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-26Apr2023.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-20Apr2023.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-Mar2023.webp
SP52948-maintenance-staff-illegally-parked-in-clear-no-parking-zone-basement-near-Block-C-16Mar2020.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-8Feb2022.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-7Dec2021.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-2Feb2022.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-23Feb2022.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-22Feb2022.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-21Mar2022.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-1Mar2022.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-1Dec2021.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-19Jan2022.webp
SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-16Dec2021.webp

Waratah Strata Management, with support of Mr. John Gore, failed to inform owners about Uniqueco Property Services failure to provide answers about unaccounted \$92,950.00 for major upgrades for 26 townhouses since 2017

[SP52948-Waratah-Strata-Management-silent-about-failed-maintenance-and-unexplained-costs-of-around-92950.00-for-alleged-major-townhouse-upgrades-3Feb2021.html](#)

[SP52948-Uniqueco-Property-Services-ignored-Lot-158-request-for-overdue-repairs-27Oct2023.html](#)

Waratah Strata Management, with support of Mr. John Gore, failed to inform owners about Uniqueco Property Services failure to justify FY 2023 invoices and expenses for maintenance in amount of \$122,843.87 (GST excl)

[SP52948-AGM-2023-dubious-invoices-24Oct2023.pdf](#)

Waratah Strata Management, with support of Mr. John Gore, failed to inform owners about Uniquenco Property Services failure to account common property that disappeared or was stolen (one example: timber for half of fence behind townhouses)

[SP52948-inquiry-about-disappeared-timber-behind-townhouses-14Nov2021.html](#)

Waratah Strata Management, with support of Mr. John Gore, failed to inform owners about Uniquenco Property Services failure to comply with mandatory City of Ryde fire orders since 2020

[SP52948-continuous-delays-with-fire-and-OHS-problems.html](#)

Secret email between Uniquenco Property Services on 4 February 2021 shows their intention not to take remediation work unless City of Ryde Council issued the orders:

From: Uniquenco Pty Ltd
To: "Robert Crobie" <rcrobie@waratahstrata.com.au>
Subject: Re: SP52948 - XEL Consulting - Fire Audit Report

Hi Robert,
We were not planning on sending this to Council, unless instructed.
FYI
My last correspondence with Desmond Raju from Council was on 10 December 2020 where he instructed that he would be converting the Proposed Order to an Order and I would receive an email the following week. Email never received.
My reply to this was that we were undertaking the audit scheduled for 17 December 2020 and that I have emailed every completed Stage of Stage 2 to Mobin Zahib and himself and kept them informed of Stage 1. Desmond confirmed that Mobin Zahib was no longer there and that Lorelle Mainbridge was his replacement.
Desmond has never acknowledged any of our emails. I called him since I received no reply to my emails and he told me he was busy and couldn't read all the emails but instead to send all correspondence to cityofryde@ryde.nsw.gov.au (mailto:cityofryde@ryde.nsw.gov.au) and they would be forwarded accordingly.
To date we have not received any Order or further correspondence from Council.
I believe we should hold this report until Council comes back to us with a formal Order.

| Date | Doc Type | Plan Number | Address | Manager | Notes | Show on Portals | Portal D |
|-----------|----------------|-------------|---|---------------|--|-----------------|----------|
| 4/02/2021 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Robert Crobie | Proposed Council Fire Order | | |
| 4/02/2021 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Robert Crobie | Proposed Council Fire Order | | |
| 4/02/2021 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Robert Crobie | XEL fire report | | |
| 4/02/2021 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Robert Crobie | Steve Carbone - John Marshall | | |
| 3/02/2021 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Robert Crobie | Lot 158 | | |
| 3/02/2021 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Robert Crobie | Lot 158 | | |
| 3/02/2021 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Robert Crobie | Lot 158 | | |
| 3/02/2021 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Robert Crobie | Lot 158 | | |
| 2/02/2021 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Robert Crobie | Lot 169 Request for variation to payment plan. | | |
| 2/02/2021 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Robert Crobie | XEL Fire Report | | |
| 2/02/2021 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Robert Crobie | Lot 158 | | |
| 2/02/2021 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Robert Crobie | Lot 175 Dog application | | |
| 2/02/2021 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Robert Crobie | Lot 158 | | |
| 2/02/2021 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Robert Crobie | Lot 158 | | |
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| 2/02/2021 | CORRESPONDENCE | 52948 | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113 | Robert Crobie | Lot 158 | | |

Uniquenco Property Services and Waratah Strata Management prevented owners from having knowledge of third major incident of window frame being blown away by strong winds in sunroom of Lot 190 and near-miss of major injuries on 29 November 2020 - SP52948 paid \$12,270.00 (GST excl) for repairs and insurance company declined to cover the costs of repair due to previous incidents and risks (claim in amount of \$13,497.00 rejected by SUU on 9 February 2021)

Three incidents with sunroom window frames were experienced in SP52948 over the years. They were caused by poor maintenance.

- First incident of this kind occurred in 1998, just two years after the complex was built:

Subject: RE: SP52948 - Window damage
From: Lot 151
Date: 6/9/10, 5:49 pm
To: John Fry - strata manager

Thank you for the advice re fallen window.

I would bring to your notice there was a similar incident in approximately 1998 – shortly after my (late) husband and I purchased our unit on 21 August 1997. My husband was greatly concerned at the time as we regularly baby-sat our young grand- children – who spent much time in our large courtyard. He insisted to the then Strata Manager – Alistair Dunn - that all windows be checked. This was arranged to be done and we received a report (from the Strata Manager) that no further problems had been detected.

John, perhaps there might be some record of this incident.

- The importance of maintain sunroom windows is best shown through extract from minutes of committee meeting on 15 July 1998, just two years after the complex was built, when hopper windows in sunrooms needed winder reinforcements to prevent them from being destroyed by strong winds:

[SP52948-committee-meeting-confirmation-of-installation-window-winders-in-building-sunroom-15Jul1998](#)

- Second incident happened in Lot 82 (Block C) in 2010:

From: John Fry [mailto: @bcms.com.au]
Sent: Monday, 6 September 2010 10:18 AM
To: EC members
Subject: SP52948 - Window damage

Dear Members

I need to update you on an event that occurred yesterday where a sunroom window and frame came away with the winds and landed in the courtyard area below. Fortunately no one was injured.
 A window company has been out to measure up and the insurer has been notified. It will take about 2 weeks before the window can be replaced as they need to manufacture and powder coat to match.
 I have requested Ruth to arrange for all sunroom windows to be inspected by the window company to ensure that there are no others that require attention.

Regards

John Fry
 Raine & Home Strata-Sydney
 53 Beecroft Road Epping NSW 2121

Secret email between BCS Strata Management staff showed how poorly the complex was managed by building manager and strata managers at the time, as insurance company rejected lot of claims:

 Fri 29/07/2011 4:36 PM
 Ron Sinclair
 RE: SP52948 - Plans / Building Reinstatement Valuation / Insurance Premium for 2012
 To: Simon Wicks
 You forwarded this message on 1/08/2011 11:58 AM.

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

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

Claims

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

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

- Uniqueco Property Services had knowledge of complaints about sunroom window frames being unattached from wall, as this example from Lot 2 on 3 November 2013 shows:

[SP52948-Lot-2-complaint-about-sunroom-window-frame-unattached-from-wall-3Nov2013.html](#)

- Third incident happened on 29 November 2020, when Uniqueco Property Services was building manager of the complex.

[SP52948-third-major-incident-in-complex-blown-window-frame-in-sunroom-29Nov2020.html](#)

[SP52948-update-on-third-major-incident-in-complex-blown-window-frame-in-sunroom-30Nov2020.html](#)



Shattered glass from the incident was not properly cleaned by Uniquenco Property Services for three months, as this evidence dated 9 February 2021 shows:

[SP52948-Lot-158-complaint-to-Waratah-Strata-Management-about-broken-glass-not-cleaned-from-garden-beds-three-months-after-major-incident-with-blown-frame-window-9Feb2021.html](https://www.sustrata.com.au/SP52948-Lot-158-complaint-to-Waratah-Strata-Management-about-broken-glass-not-cleaned-from-garden-beds-three-months-after-major-incident-with-blown-frame-window-9Feb2021.html)

Strata funds paid \$12,270.00 (GST excl) for repairs and insurance company declined to cover the costs of repair due to previous incidents and risks (claim in amount of \$13,497.00 rejected by SUU on 9 February 2021).

| Maint Bldg--Insurance Repairs &/or Excess 169400 | | | | | | | |
|--|---|-----------------------------------|-----------|------|----|----------|--------|
| 07/12/2020 | U190 Replace Storm Damaged Balcony Facade | Palmers Glass & Carpentry Pty Ltd | 11,000.00 | Paid | DE | 00073820 | 000995 |
| 12/01/2021 | U190 Install Safety Rail | W & M Gordon Property Management | 280.00 | Paid | DE | 2 | 001023 |
| 12/01/2021 | U190 Install Temporary Ballustrade | Macquarie Maintenance Services | 290.00 | Paid | DE | 1045 | 001019 |
| 12/01/2021 | U190 Remove Temporary Ballustrade | Macquarie Maintenance Services | 60.00 | Paid | DE | 1060 | 001019 |
| 22/01/2021 | U190 Sunroom Ceiling | Macquarie Maintenance Services | 640.00 | Paid | DE | 1071 | 001029 |

Strata Plan 52948

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

Details of Policies held

| Renewal Date | Policy Number | Insurer | Premium Paid |
|--------------|---------------|-------------|--------------|
| 21/09/2020 | QUSS042715 | QUS Pty Ltd | |
| Building | 16/09/2019 | Inactive | 87,162.33 |

Details of Claims processed

| Claim Date | Amount Claimed | Claim Status | Amount Received |
|------------|----------------|----------------|-----------------|
| 09/02/2021 | 13,497.00 | Refused | 0.00 |
| Building | | Excess Details | |

accounts

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

Good morning Leone,

I hope your week has been good so far.

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

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

Waratah Strata Management, with support of Mr. John Gore, failed to inform owners about common property changes by Uniqueco Property Services without general meetings or approvals at any legally-convened committee meetings

Uniqueco Property Services was actively involved or assisting in changing common property without authorisation of owners corporation at general meetings. Recent examples:

- Downlights in foyers of Block B and D. Common property in foyers of Block B and D changed after water leakages in ceiling without owners decision at general meeting.

Handyman Electrics Pty Ltd charged \$940.40 (GST excl) for supplying downlight blanks on 8 August 2023.

| | | | | | | | |
|------------|--|----------------------------|--------|------|----|-----|--------|
| 08/08/2023 | To supply and replace emergency light fittings | Handyman Electrics Pty Ltd | 620.40 | Paid | DE | 504 | 001715 |
| 08/08/2023 | To supply downlight blanks, for two foyers | Handyman Electrics Pty Ltd | 320.00 | Paid | DE | 505 | 001715 |

Common property in foyers of Block B and D changed by Uniqueco Property Services after water leakages in ceiling without owners decision at general meeting in August 2023



Unknown entity was paid \$3,261.82 (GST excl) for repairing gyprock ceiling in Block B and D:

| | | | | | | |
|--|--|----------------------------------|-------------------|------|-----|-----------|
| Maint Bldg--Walls, Floors & Ceilings 276000 | | | | | | |
| 23/09/2022 | U186 Ceiling Repair | W & M Gordon Property Management | 672.73 | Paid | DE | 71 001490 |
| 30/01/2023 | U112 Wall Repair - Rear of Garage | W & M Gordon Property Management | 509.09 | Paid | DE | 67 001578 |
| 30/08/2023 | D Block Repair gyprock B Bldk repair Ceiling Foyer | | 3,261.82 | Paid | Inv | 100232771 |
| | | | \$4,443.64 | | | |

- Installation of gate on colorbond fence for Lot 151 (Mrs. Maureen McDonald). Mrs. McDonald is a vocal supported of Uniqueco Property Services and acted as long-term committee member. In 2012, she was an Assistant Treasurer when BCS Strata Management failed to charge owners for gas heating, causing losses to owners corporation in FY 2012 and 2013 (admitted in secret email of another committee member - Mr. Stan Pogorelsky in 2017).

From: Stan Pogorelsky
Sent: 27-Apr-17 4:03:35 PM
To: Robert Crosbie, Mo Levitt
Subject: FW: SP 52948 - Gas Charges
Attachments: Financial Status Report_20170201091851.pdf, 160606 Gas invoice.pdf,

Hi Robert,

That status report was from last year's charges. The first time that we charged the \$220.00 per annum.

I suppose it should be followed up.....

I have a feeling that we may have difficulty from some of them.....

BR,

Stan.

[SP52948-Lot-181-Stan-Pogorelsky-invoice-for-incomplete-gas-heating-levies-for-FY-2012-and-2013-sent-four-years-later-on-17Jul2015.pdf](#)

Peter Bone
: John Ward
Subject: SP52948 Minutes EC meeting 22 October 2012

Peter,

Please transfer the below to the minute book

Peter – are you able to offer a committee room at your new premises on the dates for EC meetings 2.1 to 2.5 below?

Bruce Copland

Minutes of a meeting of the Executive Committee
of SP52948, Macquarie Gardens
on 22nd October 2012
Held at Apartment 151, 1 Fontenoy Road, NSW 2113

Present: B Copland, M Levitt, M McDonald, S Pogorelsky, S Quick, B Saultis, J Ward

Apologies: J Wang, R Hirshhorn

Meeting commenced at 7.30pm

1. The meeting elected Bruce Copland as Chairman, John Ward as Treasurer and Maureen McDonald as Assistant Treasurer until the next AGM.
2. The following dates were set for EC meetings in the next year:

| | | | |
|---------------------------|------------------|---------------------------------|-----------------------------|
| 1. December | Wednesday 7.30pm | 5 th December 2012 | Full Formal EC meeting |
| 2. February | Wednesday 7.30pm | 20 th February 2013 | Full Formal EC meeting |
| 3. April | Wednesday 7.30pm | 17 th April 2013 | Full Formal EC meeting |
| 4. June | Wednesday 7.30pm | 19 th June 2013 | Full Formal EC meeting |
| 5. August | Wednesday 7.30pm | 21 st August 2013 | Full Formal EC meeting |
| 6. September Committee | Saturday morning | 21 st September 2013 | Budget and Levies Sub- |
| 7. October (AGM) | Wednesday 7.30pm | 16 th October 2013 | All owners formally invited |
3. Due to Mr Copland's overseas travel, John Ward has been deputised as Chairman till 19th November 2012
4. A social event for all owners is to be planned in late January.

Meeting closed at 9pm

If an owner wants to keep the unauthorized alterations, a by-law needs to be made to permit this (full costs of organising Extraordinary General Meeting and by-law registration to be borne by Mrs. Maureen McDonald). This new by-law should impose on the owner the obligation to maintain and repair the works. If the owners corporation does not want the work to remain, an order by NCAT should be made to require the owner to remove the work, or for the owner to allow the owners corporation to remove the work. Section 132 of the SSMA allows for NCAT to make an order that the owner that performed the work takes steps to repair the damage, or an order that the owner pays the owners corporation the cost of repairs of the damage.

Document search on 8 June 2022, found no evidence of approvals for colorbond gate or payments by Lot 151. At AGM 2022, Waratah Strata Management published the following decisions in Motion 16:

16 MOTIONS REQUISITIONED BY LOT 158

The Owners Corporation incurred legal fees of \$1,391.50 to have JS Mueller and Co review the validity of the motions requisitioned by Lot 158. Mueller's advised that all of the motions submitted (except one) should be ruled out of order by the chairperson on the grounds that:

- (a) The motions, if carried, would be unenforceable; or
- (b) The motions, are in fact, not motions at all but rather statements of opinion that do not require any decision to be made.

The Chairman ruled Motions, 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16 out of order as advised.

Motion 6 was ruled out of order and the Owners Corporation does not agree to provide Lot 158 with access to the legally privileged records.

Motion 7: Resolved the Owners Corporation does not authorise Lot 158 to be empowered to represent the Owners Corporation in legal cases against Adrian Mueller to recover money from him.

Motion 15 relates the installation of a gate to Lot 151. The owner of that lot, Maureen McDonald, refutes the allegations made that the gate was not approved and that she did not pay 50% of the cost of that work. The installation of the gate was approved by the strata committee in November 2021 and 100% of the cost of the gate was paid by Maureen McDonald.

There is no evidence of document approving gate for Lot 151 in November 2021. Only two documents were published for the whole month of November 2021:

Minutes of AGM 2022 (published on 4 November 2021).

Agenda for committee meeting (published on 25 November 2021).

[SP52948-waratahstrata.com.au-website-Documents-folder-page-5-11Sep2023.png](#)

Colorbond gate was prepared around 21 December 2021 in Lot 151 courtyard and was installed around 10 January 2022:



Committee members refuse to make an order for Waratah Strata Management and Uniqueco Property Services to conduct full audit of items that are not common property any longer.

Owners corporation must prepare options for making owners responsible for maintaining common property they acquired without special resolution of special by-law.

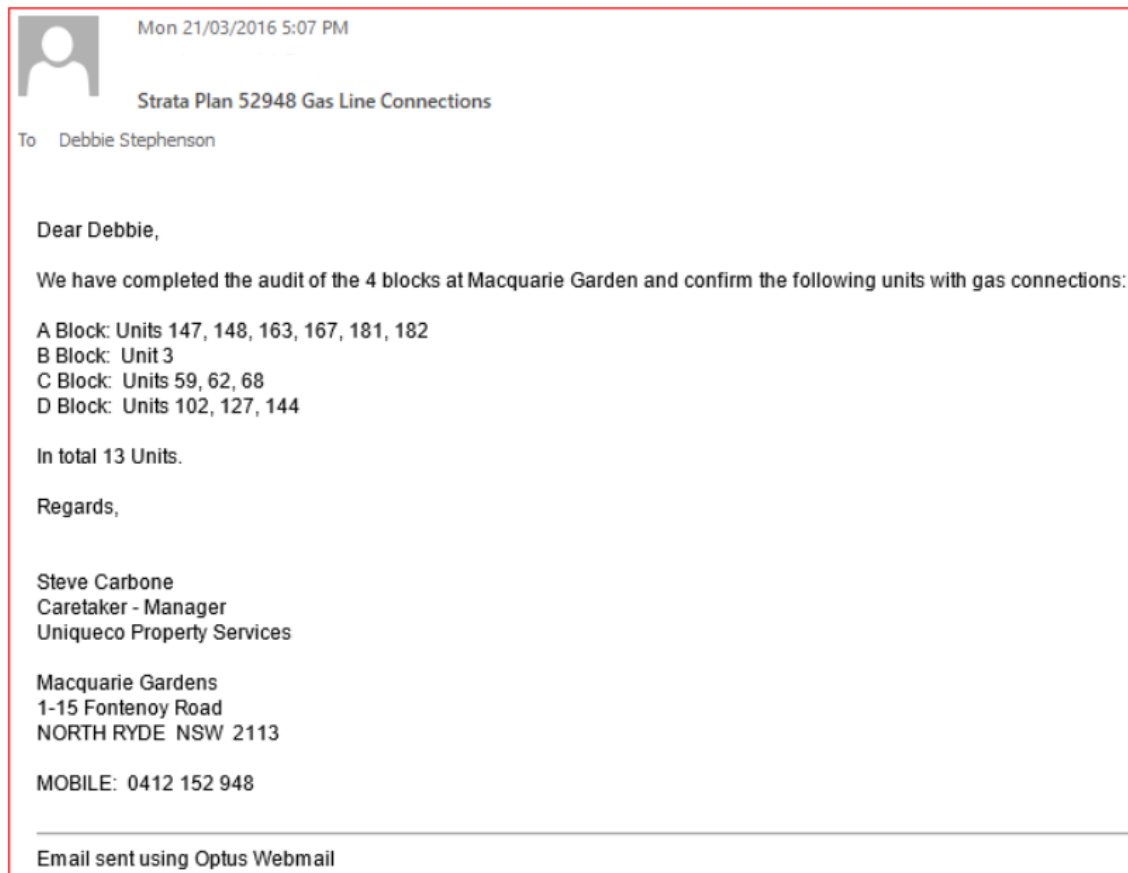
Options include:

Strata Plan of Subdivision. Transfer of common property to a lot owner (if an owner's corporation wants to transfer part of common property to an owner so that their lot is extended to incorporate this area a plan defining the new lot and the remainder of common property must be registered with NSW LRS). A registered surveyor must be engaged to prepare a Strata Plan of Subdivision for registration with NSW LRS. Owners corporation can make a common property rights by-law that transfers its responsibility for the repair of a particular item of common property to one or more owners. The by-law needs to be approved by a special resolution at a general meeting (by-law also needs to be approved by the owners who will be responsible for repairing the item of common property under the by-law).

Exclusive Use – Common Property Rights by-law.

Uniqeco Property Services conducted incomplete and secret audit of gas heating connections on 21 March 2016, directly causing financial losses to owners corporation due to unpaid levies

Building Manager Steve Carbone conducted incomplete audit of second gas connections on 21st of March 2016



Audit by Lot 158 in October 2019 found high level of misconduct by various parties. The end results were significant losses to owners corporation due to unpaid levies, including 10% simple interest for each year of unpaid levies:

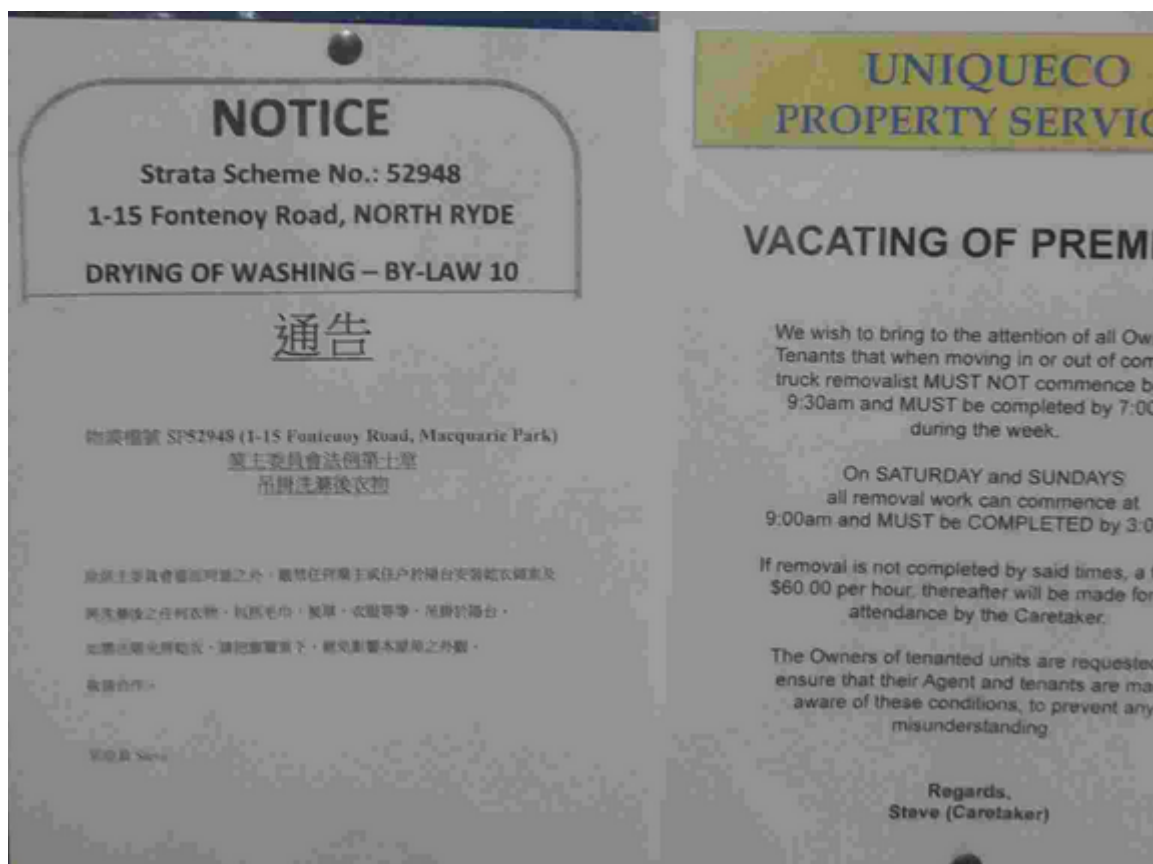
| SP52948 Lot No. | Second Gas Connections Inventory by Lot 158 based on available evidence - October 2019 | Voluntary self-reporting to BCS Strata Management 13May2014 | More accurate self-reporting audit, based on Lot 158 findings in secret strata files | Building Manager Steve Carbone alleged full 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 | Yes | Not found | Not found |
| 8 | No | Not found | No | Yes | Yes | Yes | No | No | Building Manager Steve Carbone confirmed alleged disconnection on 16Apr2019 | Not found; tenant requested re-connection on 12 Mar2021 |
| 59 | No | Not found | Yes | Yes | Yes | Yes | Yes | Yes | Letter 6Mar2013 | Not found |
| 62 | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | EC meeting 26May1999 | No commencement date provided |
| 68 | No | Not found | Yes | Yes | Yes | Yes | Yes | Yes | Not found | Not found |
| 88 | No | Not found | No | No | No | No | No | No | Letter 13Sep2013 | Not found - owner of property, committee member Marianna Paltikian failed to provide proof |
| 102 | No | Not found | Yes | Yes | Yes | Yes | Yes | Yes | Not found | Commencement date 2003 |
| 127 | No | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Not found | Commencement date May2013 |
| 134 | No | Yes | No | No | No | No | No | Yes | Not found | Not found; BCS sent invoice for FY 2012, 2013, and 2016 on 15Jul2016 |
| 144 | No | Not found | Yes | Yes | No | No | No | Yes | Not found | Not found; allegedly disconnected on 9May2018 as per email by owner to Waratah Strata Management |
| 147 | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Not found | Commencement date May2001 |
| 148 | No | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Not found | Commencement date 13Aug2007, disconnected on 9Sep2019 |
| 154 | No | Not found | No | No | No | No | No | No | Not found | Paid partial levies in 2006 |
| 162 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | Not found | Connected on 30May2019 |
| 163 | No | Not found | Yes | Yes | Yes | Yes | Yes | Yes | Not found | Not found |
| 167 | No | Yes | Yes | Yes | Yes | Yes | No | Yes | EC meeting 28Aug2013 | Commencement date 27May2014 |
| 175 | No | Not found | No | No | No | No | No | No | Not found | Commencement date 2002 |
| 181 | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Not found | Commencement date 1999 |
| 182 | No | Yes | Yes | Yes | Yes | Yes | Yes | Yes | EC meeting 26May1999 | Commencement date 2009 |
| 192 | No | Yes | No | No | No | No | No | No | Not found | Commencement date 2007 |
| 194 | No | Not found | No | Yes | Yes | Yes | Yes | No | Letter 28Mar2011 | Not found |
| 198 | No | Not found | No | No | No | No | Yes | No | Not found | Not found |
| 199 | No | Not found | No | Yes | Yes | Yes | Yes | No | Not found | Not found |
| 206 | No | Not found | No | Yes | Yes | Yes | No | No | Not found | Not found |
| 209 | No | Not found | No | Yes | No | 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 23Sep2014 |
| 213 | No | Not found | No | Yes | 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 |

Full report of events:

[SP52948-Unpaid-gas-heating-levies-and-unfinancial-owners-brief-public-information-from-strata-files-and-meetings.pdf](#)

Uniqueco Property Services and Waratah Strata Management prevented owners from having knowledge of multiple events of racial profiling on notice boards (Motions about it were prevented at AGM 2017 and 2018)

In period 2015/2016, Uniqueco Property Services published multiple warnings about compliance issues in the complex, directly targeting Asian communities, in spite of fact that other communities and nationalities did not comply with by-laws in the same manner. One example from notice board in 16 December 2016:



Lot 158 tried to raise awareness of fighting racism at all times, but their Motion was prevented at AGM 2017 and 2018:

Motion: Eliminate racial profiling of Asian community

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

- Secretary of the EC Mrs. Lorna Zelenzuk and acting Chairperson Mr. Robert Crosbie failed to include this Motion at AGM 2017, in non-compliance with Strata Schemes Management Act 2015, Schedule 1, c(4).
- BCS Strata Management, Building Manager Uniqueco Pty Ltd, and EC members submitted specific Asian community to unnecessary racial profiling by displaying messages on notice boards exclusively in their language three times in period 2015/2016.
- Strata Managing Agent, Building Manager, and EC members shall not approve or publish any communication on behalf of SP52948 in other languages unless the same note is displayed in English for the duration of the display.
- Owners and/or tenants of non-English speaking background shall be approached privately by Strata Managing Agent, Building Manager, and EC members, and appropriate communication established if required.
- Owners corporation condemns every attempt to racially or in any other way discriminate or profile owners, their community, nationality, or religion.

Waratah Strata Management, committee members, and Solicitor Adrian Mueller actively prevented owners from democratic and legal rights to consider the Motions and vote:

[SP52948-premeditated-plan-by-Solicitor-Adrian-Mueller-to-prevent-Applicant-Motions-and-disallow-owners-to-vote-at-AGM-2017.pdf](#)

[SP52948-premeditated-plan-by-Solicitor-Adrian-Mueller-to-prevent-Applicant-Motions-and-disallow-owners-to-vote-at-AGM-2018.pdf](#)

[SP52948-premeditated-plan-by-Solicitor-Adrian-Mueller-to-prevent-Applicant-Motions-and-disallow-owners-to-vote-at-AGM-2020.pdf](#)

Waratah Strata Management, with support of Mr. John Gore, failed to inform owners about other issues with Uniqueco Property Services

- Uniqueco Property Services failure to comply with mandatory Code of Conduct for the Short-term Rental Accommodation Industry (Code).
- Uniqueco Property Services failed to respond to question if they were claiming benefits for employing staff with disabilities: Employment Assistance Fund, Disabled Australian Apprentice Wage Support (DNAWS), Payroll Tax Exemptions (NSW only), Wage Subsidies, whilst building manager's income grew well above the inflation rates.
- Ongoing long-term problems with lack of maintenance.
- Ongoing long-term lack of warranties for repairs of common property in the complex.
- And much more.

Waratah Strata Management, with support of Mr. John Gore, failed to inform owners that on the day of EGM on 30 November 2023, Uniqueco Property Services was still not paid for monthly services whilst SP52948 had negative balance in Admin Fund of \$131,161.52 (GST excl), directly helping strata manager to hide full deficit in Admin Fund or being forced to delay receiving salary with promise to get his contract extended without real tender – Uniqueco Property Services Paragraph 2.11 in their contract 2014, 2017, and 2020 contained clause that directly disadvantaged competition and fair tender processes in non-compliance with Section 45 of Australian Competition Law

Section 45 of Australian Competition Law prohibits anti-competitive agreements and concerted practices. Specifically, it prohibits:

- (1) making a contract or arrangement, or arriving at an understanding, which has the purpose, effect or likely effect of substantially lessening competition
- (2) giving effect to a provision of a contract or arrangement or understanding, if that provision has the purpose, effect or likely effect of substantially lessening competition; and
- (3) engaging with one or more persons in a concerted practice that has the purpose, or has or is likely to have the effect, of substantially lessening competition.

- Admin Fund negative balance on 30 November 2023: [SP52948-Income-and-Expenditure-Report-1Sep2023-to-30Nov2023.pdf](#)

- Uniqueco Property Services signed an unusual clause in the contract in 2014 without disclosure to owners:

2.11 The Contractor will provide evidence to the Proprietor of its financial capacity to fund 60 days of operations without payment from the Proprietor prior to the Commencement Date and no more frequently than every six months thereafter on request by the Proprietor.

- Uniqueco Property Services signed an unusual clause in the contract in 2017:

2.11 The Contractor will provide evidence to the Proprietor of its financial capacity to fund 60 days of operations without payment from the Proprietor prior to the Commencement Date and no more frequently than every six months thereafter on request by the Proprietor.

- Uniqueco Property Services allegedly signed an unusual clause in the contract in 2020 (Waratah Strata Management is hiding the signed copy of the contract):

2.11 The Contractor will provide evidence to the Proprietor of its financial capacity to fund 60 days of operations without payment from the Proprietor prior to the Commencement Date and no more frequently than every six months thereafter on request by the Proprietor.

- Lot 158 asked the question at the meeting, and nobody could provide an answer (Uniqueco Property Services also failed to respond since 1 December 2023).

| Date | 161300 Maint Bldg--Building Management (monthly salary) | Difference to previous month |
|-------------------|---|---|
| 31 August 2022 | \$28,311.75 | \$0.00 |
| 30 September 2022 | \$28,311.75 | \$0.00 |
| 31 October 2022 | \$28,311.75 | \$0.00 |
| 30 November 2022 | \$28,311.75 | \$0.00 |
| 31 December 2022 | \$28,311.75 | \$0.00 |
| 31 January 2023 | \$28,311.75 | \$0.00 |
| 28 February 2023 | \$28,311.75 | \$0.00 |
| 31 March 2023 | \$29,247.07 | \$935.32 |
| 30 April 2023 | \$28,877.98 | -\$369.09 (overpayment for previous month) |
| 31 May 2023 | \$28,877.98 | \$0.00 |
| 30 June 2023 | \$28,877.98 | \$0.00 |
| 31 July 2023 | \$28,877.98 | \$0.00 |
| 31 August 2023 | \$28,877.98 | \$0.00 |
| 30 September 2023 | \$31,764.07 | \$2,886.09 |
| 25 October 2023 | \$28,877.98 | -\$2,886.09 (salary reported two weeks after regular schedule, after Lot 158 sent warning about AGM 2023 SP52948-AGM-2023-misconducts-and-risks-24Oct2023) |
| 9 November 2023 | \$988.26 | -\$27,889.72 (SP52948-evidence-Uniqueco-Property-Services-not-paid-full-salary-for-Nov2023) |
| 21 December 2023 | \$29,517.85 | \$639.87 (salary for November 2023 not reported almost seven weeks after regular schedule, and salary for December 2023 not reported for two weeks after regular schedule, it is questionable if heavily delayed payment on 20 December 2023 was for November or December 2023 salary, whilst negative balance (deficit) in Admin Fund reached -\$182,702.29 SP52948-Income-and-Expenditure-Report-1Sep2023-to-20Dec2023) |
| 31 January 2023 | \$28,877.98 | -\$639.87 (salary for December 2023 not reported for almost seven weeks after regular schedule, negative balance (deficit) in Admin Fund reached -\$276,492.96 SP52948-Income-and-Expenditure-Report-1Sep2023-to-31Jan2024 , it is questionable if heavily delayed payment on 20 December 2023 was for November 2023 or January 2024 salary, whilst Waratah-Strata-Management-collected-salary-for-December2023-and-January2024-as-early-as-8Jan2024-whilest-building-manager-Uniqueco-Property-Services-still-not-paid-even-for-December2023) |
| 14 February 2024 | \$38,803.44 | \$9,925.46 (negative balance (deficit) in Admin Fund reached -\$87,895.04 SP52948-Income-and-Expenditure-Report-1Sep2023-to-14Feb2024 , it is questionable if payment on 14 February 2024 was for November 2023 or February 2024 salary, one monthly salary for building manager still missing in accounting or not paid at all, Lot 158 document search of strata documents on 13 February 2024 confirmed that Waratah Strata Management had no signed version of renewed contract with Uniqueco Property Services in spite of contract expiring on 31 January 2024 , Waratah Strata Management and Uniqueco Property Services failed to inform owners about SP52948-pending-legal-case-to-terminate-contract-with-Uniqueco-Property-Services-detailed-summary) |

- Waratah Strata Management failed to provide documents to Lot 158 in accordance with Strata Schemes Management Act 2015 (NSW), Sch1, Part 10(1) - copies of administrative fund, the capital works fund and any other fund of the owners corporation (term deposits and trust accounts, and others as applicable), which had to be produced to Lot 158 at least two days before the meeting at which the statements should be presented (EGM on 30 November 2023). The same ignorance by Waratah Strata Management happened at AGM on 26 October 2023.

- Early in November 2023, Lot 158 predicted that Waratah Strata Management:

Either did not pay Uniqueco Property Services for month of November 2023 so that negative balance in Admin Fund did not look as bad as it really was,

Or would pay the building manager's invoice for November 2023 but hide it in accounting files for owners.

In both cases, it would be a premeditated effort to mislead owners about bad financial status.

Reasonable estimate was that real negative balance in Admin Fund on 30 November 2023 was at least \$165,000.00.

This prediction was confirmed at committee meeting on 22 February 2024. Waratah Strata Management was forced to admit that accounting did not report one monthly salary for Uniqueco Property Services (November 2023), and in spite of all warnings by Lot 158 did not correct it until 27 February 2024. Amended version of Uniqueco Property Services salaries:

| Date | 161300 Maint Bldg-- Building Management (monthly salary) | Difference to previous month and evidence |
|-------------------|--|---|
| 31 August 2022 | \$28,311.75 | \$0.00 |
| 30 September 2022 | \$28,311.75 | \$0.00 |
| 31 October 2022 | \$28,311.75 | \$0.00 |
| 30 November 2022 | \$28,311.75 | \$0.00 |
| 31 December 2022 | \$28,311.75 | \$0.00 |
| 31 January 2023 | \$28,311.75 | \$0.00 |
| 28 February 2023 | \$28,311.75 | \$0.00 |
| 31 March 2023 | \$29,247.07 | \$935.32 |
| 30 April 2023 | \$28,877.98 | -\$369.09 |
| 31 May 2023 | \$28,877.98 | \$0.00 |
| 30 June 2023 | \$28,877.98 | \$0.00 |
| 31 July 2023 | \$28,877.98 | \$0.00 |
| 31 August 2023 | \$28,877.98 | \$0.00 |
| 30 September 2023 | \$31,764.07 | \$2,886.09 |
| 25 October 2023 | \$28,877.98 | -\$2,886.09 (salary reported two weeks after regular schedule, after Lot 158 sent warning about AGM 2023 SP52948-AGM-2023-misconducts-and-risks-24Oct2023) |
| 30 November 2023 | \$29,866.24 | \$988.26 (SP52948-accounting-differences-for-status-on-30Nov2023-found-on-Waratah-Strata-Management-website-27Feb2024) |
| 31 December 2023 | \$29,517.85 | -\$348.39 (SP52948-accounting-differences-for-status-on-31Dec2023-found-on-Waratah-Strata-Management-website-27Feb2024) |
| 31 January 2024 | \$28,877.98 | -\$639.87 (SP52948-accounting-differences-for-status-on-31Jan2024-found-on-Waratah-Strata-Management-website-27Feb2024) |
| 14 February 2024 | \$38,803.44 | \$9,925.46 (negative balance (deficit) in Admin Fund reached -\$87,895.04 SP52948-Income-and-Expenditure-Report-1Sep2023-to-14Feb2024 , Lot 158 document search of strata documents on 13 February 2024 confirmed that Waratah Strata Management had no signed version of renewed contract with Uniqueco Property Services in spite of contract expiring on 31 January 2024, Waratah Strata Management and Uniqueco Property Services failed to inform owners about SP52948-pending-legal-case-to-terminate-contract-with-Uniqueco-Property-Services-detailed-summary) |

Could any reasonable person find Uniqueco Property Services contract renewal to be legally valid at EGM 2023?

Waratah Strata Management and Chairperson John Gore's Motion at Extraordinary General Meeting scheduled for 30 November 2023, whilst Mr. Gore secretly sold his property prior to auction without disclosure to owners on 4 November 2023

2 BUILDING & FACILITIES MANAGEMENT AGREEMENT

That in accordance with section 67 of the Strata Schemes Management Act 2015, fee proposals supplied by Uniqueco Pty Ltd and Building Management Australia for building management be tabled and discussed.

Waratah Strata Management published Minutes of Extraordinary General Meeting held on 30 November 2023

2 BUILDING & FACILITIES MANAGEMENT AGREEMENT

Resolved that Uniqueco Pty Ltd be appointed to continue building management services in accordance with pricing schedule tabled for 2024, 2025 & 2026.

Contract with Uniqueco Property Services did not exist on 13 February 2024 in spite of its expiration on 31 January 2024

On 13 February 2023, Lot 158 conducted document search at on Waratah Strata Management premises:

[SP52948-Lot-158-outcome-of-access-to-strata-documents-public-13Feb2024.pdf](#)

There were number of missing documents, including new contract with Uniqueco Property Services.

As an example, deeply concerning was that folder named "Financials" had no strata files, whilst folder "Tax Returns" contained only 8 files and newest document was dated 6/04/2023 (tax report for 2022).

According to Admin Officer oral statement, current agreement with Uniqueco Property Services did not exist, in spite of alleged approval for contract renewal occurred on 30 November 2023 (two and half months ago) and last contract expired on 31 January 2024.

Evidence found on 13 February 2024 that all alleged committee members were self-nominated

Waratah Strata Management failed to offer any evidence that nominations for committee members were done in accordance with SSMA 2015 Schedule 1 Section 5 at previous general meetings.

Waratah Strata Management abused this requirement in the past and allowed "standard" committee members to self-nominate whilst preventing Lot 158 from the same (Mr. Crosbie's reference to Sec 31 (1) (c) of the SSMA in the past).

Lot 158 found copies of emails (and saved them as evidence) that ALL committee members conducted self-nominations for AGM 2023:

Lot 87, email from Mr. Heath Crosbie telling owner he was able to self-nominate on 12 October 2023

Lot 200, email to Mr. Heath Crosbie and all committee members with his self-nomination on 18 October 2023

Lot 218, email to Mr. Heath Crosbie and all committee members with his self-nomination on 18 October 2023

Lot 133, email to Mr. Heath Crosbie and all committee members with his self-nomination on 18 October 2023

Lot 181, email to Mr. Heath Crosbie and all committee members with his self-nomination on 17 October 2023

Lot 133, email to Mr. Heath Crosbie and all committee members with his self-nomination on 17 October 2023 (and then allegedly removed her candidacy at AGM on 26 October 2023, where there were 10 candidates on two polling pages and Lot 158 name was missing initially in spite of advance notice)

Lot 122, mail to Mr. Heath Crosbie and all committee members with his self-nomination on 17 October 2023

Lot 142, mail to Mr. Heath Crosbie and all committee members with her self-nomination on 17 October 2023

Lot 170, mail to Mr. Heath Crosbie and all committee members with her self-nomination on 17 October 2023

Negative balance (deficit) in Admin Fund was \$39,995.25 on 13 February 2024 and two monthly salaries for Uniqueco Property Services not paid or reported

There would be no significant income in Admin Fund for another two and half months before next collection of levies on 1 May 2024!

[SP52948-Income-and-Expenditure-Report-1Sep2023-to-13Feb2024.pdf](#)

Negative balance (deficit) in Admin Fund was \$87,895.04 on 14 February 2024 and one monthly salary for Uniqueco Property Services not paid or reported

There would be no significant income in Admin Fund for another two and half months before next collection of levies on 1 May 2024!

[SP52948-Income-and-Expenditure-Report-1Sep2023-to-14Feb2024.pdf](#)

At committee meeting on 22 February 2024 Waratah Strata Management was forced to admit hiding one monthly salary for Uniqueco Property Services was paid but not reported since November 2023 (with unreported gas usage payments, these two expenses amounted to around \$30,000.00 hidden in financial documents) and negative balance (deficit) in Admin Fund was \$97,156.59 without disclosure to owners

How bad was the accounting is shown in this simple example:

False version of balance in Admin Fund on 31 January 2024 listed deficit (negative balance) in Admin Fund in amount of \$280,884.25.

After "corrections" by Waratah Strata Management on 27 February 2024, version of balance in Admin Fund on 31 January 2024 listed deficit (negative balance) in Admin Fund in amount of \$309,762,23.

[SP52948-Income-and-Expenditure-Report-1Sep2023-to-22Feb2024.pdf](#)

[SP52948-request-by-Lot-158-to-Waratah-Strata-management-on-25Feb2024-to-update-all-financial-reports-since-November-2023.html](#)

[SP52948-accounting-differences-for-status-on-30Nov2023-found-on-Waratah-Strata-Management-website-27Feb2024.pdf](#)

[SP52948-accounting-differences-for-status-on-31Dec2023-found-on-Waratah-Strata-Management-website-27Feb2024.pdf](#)

[SP52948-accounting-differences-for-status-on-31Jan2024-found-on-Waratah-Strata-Management-website-27Feb2024.pdf](#)

[SP52948-accounting-differences-for-status-for-late-Feb2024-found-on-Waratah-Strata-Management-website-27Feb2024.pdf](#)

[SP52948-Uniqueco-Property-Services-salary-from-31Aug2022-to-14Feb2024-with-falsified-data-by-Waratah-Strata-Management-since-Nov2023.png](#)