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Major upgrades on 26 townhouses in amount of \$92,950.00 in 2017 without evidence of work done

In 2017, owners corporation spent on alleged upgrades for 26 townhouses amount of \$92,950.00.

The same townhouses were repainted six years earlier in 2011 at cost of \$61,490.00 without proper tender process.

Concerned owners tried to obtain access to information through emails, document searches and ever since Annual General Meeting 2017 where Motions were prevented from being listed in the agenda for owners.

There is no evidence of any significant work being done on townhouses (including roofs) during alleged major upgrades in the complex in 2017/2018:

- Pergolas (we have evidence that, for example, there was a secret pergola replacement for Lot 196 one-and-half years after major upgrades in the complex - May2019),
- Colorbond fences,
- Wooden fences towards neighbouring property,
- Window frames,
- Doors,
- Garage doors,
- Townhouse carport lattices (one year later, Lot 209 submitted Motion at AGM 2018, to remove and replace the townhouse carport lattices, which was rejected at the meeting),
- Bollards,
- Front-yard tree lopping (it was actually done in rush just before AGM 2020),
- Roof that comprised:
 - High-pressure clean
 - Spray at least one coat of sealer and two coats of paint
 - Repoint roof where necessary with flexipoint
 - Repair flashing down gables
 - Replace broken or damaged tiles (only few replacements are visible)
 - Clean all gutters and downpipes
 - Clean job site
 - and similar
- Anything else as applicable.

Some of email requests to committee members and Waratah Strata Management that were left unanswered:

22 July 2018

26 August 2018

9 October 2018

6 November 2018

9 May 2019

19 May 2019

31 May 2019

10 June 2019

18 June 2019

19 June 2019

30 June 2019

13 July 2019

7 October 2019

23 February 2020

2 March 2020

28 March 2020

7 July 2020

2 February 2021

At AGM 2018, the following was listed in the Minutes of the meeting, showing that carport lattices needed some work:

TOWNHOUSE LATTICE

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

Concerned owners asked these questions:

Failure to disclose to owners the following breakdown of expenses for the painting project that was known as early as 3 March 2017:

- Block A: \$117,700.00 (including GST)
- Block B: \$117,700.00 (including GST)
- Block C: \$117,700.00 (including GST)
- Block D: \$117,700.00 (including GST)
- Various Structures: \$66,000.00 (including GST)
- Townhouses: \$92,950.00 (including GST)

Total cost: \$629,750.00 (including GST).

This was proved in vendor's progress report dated 5 August 2017:

MACQUARIE GARDENS PROJECTED CASH FLOW All GST Incl. HOW Separate and Paid \$6,152.00											
Month	Week	Block B	Block C	Block D	Block A	Town Houses	Grounds	Totals			
		7606 \$11,770.00						\$11,770.00	Invoiced	\$484,220.00	
		7612 \$11,770.00				7610 \$18,590.00		\$30,360.00	Paid	\$380,443.00	
		7618 \$23,540.00				7617 \$18,590.00		\$42,130.00	Due	\$123,777.00	
		7624 \$23,540.00						\$23,540.00			
		7624 \$23,540.00						\$23,540.00			
		7620 \$17,655.00				7618 \$18,590.00		\$36,245.00			
		7629 \$5,885.00	7616 \$23,540.00			7616 \$18,590.00		\$29,425.00	Left to Deliver	\$145,530.00	
			7625 \$23,540.00			7616 \$18,590.00		\$42,130.00			
			7627 \$23,540.00			7630 \$13,943.00		\$37,483.00			
			7632 \$23,540.00 *					\$17,655.00			
			7642 \$17,655.00			7631 \$4,647.00		\$10,532.00	Approved *	\$63,820.00	
			\$5,885.00					\$23,540.00			
				7628 \$23,540.00				\$23,540.00			
				7640 \$23,540.00				\$23,540.00			
				7641 \$23,540.00 *				\$23,540.00			
				7643 \$23,540.00			7638 \$13,200.00	\$36,740.00			
				7645 \$17,655.00				\$17,655.00			
				\$5,885.00				\$19,085.00			
					7646 \$23,540.00		* 7644 \$13,200.00	\$23,540.00			
					7650 \$23,540.00 *			\$13,200.00			
					\$23,540.00			\$23,540.00			
					\$23,540.00			\$13,200.00			
					\$17,655.00			\$17,655.00			
					\$5,885.00			\$6,600.00			
								\$0.00			
								\$6,600.00			
								\$629,750.00			

Motion 3 in the Minutes of EC meeting held on 20 July 2017 showed that around half of the project cost having been paid to date. Allegedly three quotes from RJ Bird Services to carry out remedial repairs required prior to painting were accepted at a total cost of \$27,580.00. No details of the "remedial repairs", and no evidence or statements about multiple quotes being sought from different providers were provided to any owner.

Motion 3 in the Minutes of EC meeting held on 28 September 2017 showed that the painting project was complete and all accounts had been paid except the 5% retention amounts totaling \$28,187.00 + GST.

Agenda for the AGM 2017 sent to owners contained information that the total costs for the painting project were \$646,200.00 plus GST (totalling \$710,820.000).

Total costs in the Agenda for AGM 2017 on page 25 (Capital Works Fund) were listed as \$610,357,26 (plus GST). If one adds figure of \$28,187.00 (retention amount of 5% as per Motion 3 in Minutes of EC meeting held on 28 September 2017), it totals \$638,544.00 (plus GST).

The costs listed in the approved Minutes of the AGM 2016 differ from costs listed in the payment schedules dated 3 March 2017, and also differ from what Waratah Strata Management listed in the agenda for AGM 2017.

More of a concern are what appears to be missing warranties Lot 158 asked

Two document searches but Waratah Strata Management failed to find any evidence on major upgrades on townhouses:

31 May 2019

20 September 2019

The following questions were also left unanswered:

1. Warranty of Workmanship from Townview Painting Services.
2. Dulux Warranty.
3. Attachments from Townview's email discussing the warranties on 23 August 2017.
4. Liftronics Warranty for elevator upgrades in four buildings.

1 SP52948 – Solicitor Adrian Mueller, on behalf of owners corporation, confirming that maintenance of common property is compulsory and that some strata files are missing on 14th of November 2019

has undertaken repeated inspections of the records of the owners corporation. The representatives of the owners corporation consider that all available records of the owners corporation were made available to during those inspections as a result of which if does not have any records that he desires that is because those records are likely not available.

Equally importantly, if is truly prepared to confine his communications to matters relating to the maintenance and repair of lot 158 only, and to cease and desist from disseminating what the representatives of the owners corporation consider to be defamatory material about them, then what is the purpose of pressing for the records to be produced to him?

In the circumstances, the representatives of the owners corporation do not consider that there is any merit in request for those records to be provided to him and they are not prepared to agree to the request.

The strata legislation imposes on the owners corporation a duty to maintain and repair the common property. This means there is no need for the Deed to be amended to give the same rights in relation to the maintenance of his property as the rights that are enjoyed by other owners.

2 SP52948 – NCAT 20/33352 extracts from dismissed application by not accepting the evidence in spite of orders allowing web-based files at Directions Hearing on 25th of September 2020

- 9 The matter was listed for hearing before the Tribunal on 11 February 2021. The hearing was conducted by telephone. appeared for the applicant. Mr Mueller, Solicitor appeared for the owners corporation. None of the members of the strata committee whom the applicant sought to be removed under s 238 of the SSMA appeared, and the submissions of the owners corporation dealt with the reasons why the individual strata committee members opposed orders being made under s 238 of the SSMA.
- 28 The Tribunal did not investigate any of the links provided by it would have been clearly procedurally unfair to the owners corporation for the Tribunal to view material which had not been filed and served in the proceedings and which the owners corporation could not see at the hearing as the hearing was conducted by telephone.
- 29 The owners corporation did not file and serve any documentary evidence; nor did the individual strata committee members.
- 30 The only document relied upon by the owners corporation was written submissions dated 18 January 2021.
- 66 Even if irregularities (i.e. the meetings did not comply with the SSMA or the SSMA Regulations) were established, the Tribunal would not exercise its discretion under s 24 of the SSMA to declare all of the Motions passed at such meetings invalid. Such an order would have a profound and deleterious effect on Lot owners and third parties. For example, Motions passed and acted upon involving the appointment of contractors to perform works to common property would be retrospectively declared invalid; and insurance entered into by the owners corporation would also be retrospectively declared invalid. There are overwhelming discretionary considerations against making the order sought by the applicant even if any breach was established.

68 In respect of fire safety compliance, [redacted] complains at paragraph [90] of his statutory declaration dated 18 August 2020 that the owners corporation has (i) replaced some smoke detectors over the years using owners corporation funds; (ii) there are smoke detectors that are not working and should be repaired or replaced by Lot owners; (iii) fire safety exit lights have not been replaced; and (iv) the owners corporation has failed to acknowledge and rectify fire safety non-compliance issues.

69 The applicant has provided no clear evidence, other than his subjective views, that the owners corporation has failed to comply with its duty to maintain, replace and repair common property under s 106 of the SSMA. There is insufficient evidence to establish breach. Even if the Tribunal was satisfied that the owners corporation was failing to comply with its duty in respect of the building being fire safety compliant (which is clearly an important obligation), there is no evidence that clearly identifies what specific measures need to be taken to achieve compliance.

3 SP52948 – Previous Fire Safety reports still unresolved

As reported in the past:

- FRN16/829 BFS19/749 (8000006616)
- FRN16/829 BFS19/3235 (SRID 9030)
- BSF16/666(10242)
- FRN16/829 BFS20/252 (SRID 10317)
- FRN16/829 BFS20/1014 (SRID 11059)

As an example, in Block A, second floor, exit light was not operational in period between 7th of February 2018 and 26th of March 2018 (total of 48 days!) .



In phone conversation with the staff at the time who called us on 23rd of March 2018 at 07:41 hours, he admitted that allegedly there were 22 faulty lights in the complex.

Email correspondence to strata managers in period 22nd of December 2016 onwards had 41 complaints about smoking in the complex and faulty/expired smoke alarms in their unit and 19 complaints about dangers in the complex (due to lack of maintenance and compliance with by-laws).

<https://www.smh.com.au/national/nsw/bankstown-unit-fire-inquest-strata-manager-failed-to-inform-owners-about-safety-defects-20150622-ghunyd.html>

<https://www.propertychat.com.au/community/threads/landlord-and-others-sued-over-bankstown-apartment-fire.28322/>

<https://www.dailytelegraph.com.au/newslocal/north-shore/kuringgai-council-issues-list-of-orders-for-strata-owners-of-killara-death-trap/news-story/62cfcc323ae0578911347dc94f7fc89f>

<https://www.capitolbca.com.au/2018/09/06/brisbane-body-corporate-receives-heavy-fines-for-non-compliance-with-fire-safety-laws/>

Waratah Strata Management wrote in Minutes of SP52948 committee meeting on 29th of April 2021:

Communications By-Law. The Strata Manager is authorised to archive all correspondence from Lot 158, but is not required to respond to any of the correspondence.

Some of professional reports that have been undisclosed to owners, CTTT, NCAT, and NSW Fair Trading over the years:

[Common-routine-building-maintenance-required-in-residential-strata-properties-in-NSW](#)

[BCS-Strata-Management-hid-professional-building-report-from-owners-Murdocca-Associates-Block-D-L2-Internal-Wall-Cracking-28Apr2010](#)

[BCS-Strata-Management-hid-professional-building-report-from-owners-and-CTTT-Napier-and-Blakeley-Jul2012](#)

[BCS-Strata-Management-hid-professional-building-report-from-owners-ThyssenKrupp-Elevator-HR-Assesment-11Dec2013](#)

[BCS-Strata-Management-hid-professional-building-report-from-owners-ThyssenKrupp-Elevator-HR-Issues-and-Pricing-11Dec2013](#)

[BCS-Strata-Management-hid-professional-building-report-from-owners-Vertical-Transport-Management-Services-Report-Feb2014](#)

[BCS-Strata-Management-hid-professional-building-report-from-owners-NCB-Plumbing-17Feb2014](#)

[BCS-Strata-Management-hid-professional-building-report-from-owners-Integrated-Consultancy-Group-water-damages-and-external-painting-recommendations-for-concrete-cancer-4Nov2014](#)

[Thompson-Elevator-Consultancy-Service-audit-undisclosed-to-owners-Mar2017](#)

This document lists just some of the problems in the complex that can cause injury, health problems, or even death in dire circumstances.

4 SP52948 – BCS Strata Management relying on luck not to get fined for late submission of AFSS report on 16th of June 2016

SP52948 provided delayed and incomplete AFSS reports in the past, with high risks to owners corporation. In 2016, BCS Strata Management was relying on luck not to get fined and hid it from owners:

From: Debbie Stephenson
Sent: Thursday, 16 June 2016 4:08 PM
To: Wenny Ji
Subject: RE: SP52948 - 1-15 FONTENOY ROAD - AFSS April 2016

Hi Wenny,

I can see what you see 😞

Maybe we need to lodge it with council and cross our fingers .

Unfortunately the assistant that was handling this matter, left earlier in the year.

It is important to note the implications of not submitting the required form to local council on time. It is an offence under the Environmental Planning and Assessment Act not to submit a compliant AFSS to Council by the due date.

Offences can be subject to a Court imposed penalty of up to \$110,000.00 or an on the spot fine for failing to give an annual fire safety statement, starting from:

- \$1,000.00 for the first week overdue,
- \$2,000.00 for the second week overdue,
- \$3,000.00 for the third week overdue,
- \$4,000.00 for the fourth and any subsequent week overdue.

Complying with by-laws - all owners and occupiers in a strata scheme, including tenants, are legally obliged to comply with the by-laws of the scheme.

5 SP52948 – Ryde City Council letter to BCS Strata Management on 9th of August 2016 and belted response by BCS Strata Management on 15th of November 2016 without notifying owners at Annual General Meeting

9 August 2016

Dear Sir/Madam

1 Fontenoy Road Macquarie Park
Fire Safety Issues

Council has received correspondence advising that compliance tags are being fitted to existing fire doors, some doors being twelve years old; it is also alleged that some fire doors are non-compliant with the relevant Australian Standard.

I note that the last annual fire safety statement listed fire doors as one of the installed fire measure and certified them as compliant with their original design/installation standard; from the information provided to Council the gaps around the doors do not comply with the relevant standards.

Prior to further action by Council you are requested to contact your service contractor and provide Council with their comments in respect to the alleged non-compliances.

Should you require any further information or wish to discuss this matter, please contact me on 9952 8184.

Yours faithfully

Executive Building Surveyor

Ryde City Council did not get any response for three months and initiated another request to BCS Strata Management on 3rd of November 2016:

The Owners Strata Plan 52948
C/- Body Corporate Services
Locked Bag 22
Haymarket NSW 1238

3 November 2016

Dear Sir/Madam

1 Fontenoy Road Macquarie Park
Fire Safety Issue

I refer to Council's letter dated 9 August 2016 advising of an alleged serious fire safety breach and requesting comment from your service contractor.

To date Council has not received a response to this request.

You are therefore requested to advise Council, by 21 November 2016, the present position in this matter.

Should you require further information or wish to discuss this matter, please contact me on 9952 8184 or by e-mail (details below).

Yours faithfully

Executive Building Surveyor
ENVIRONMENT, HEALTH & BUILDING
P: (02) 9952 8184 | E: @ryde.nsw.gov.au | www.ryde.nsw.gov.au

Here is what BCS Strata Management responded on 15th of November 2016, more than THREE MONTHS AFTER THE COUNCIL INQUIRY and ALMOST ONE MONTH AFTER THE ANNUAL GENERAL MEETING IN SP52948:

15 November 2016

City of Ryde
Locked Bag 2069
NORTH RYDE NSW 1670

Dear Council

RE: Your attached notices – Fire Safety
PROPERTY: Strata Plan 52948: 1-15 Fontenoy Road Macquarie Park

Our fire safety contractor – Eagle Fire (9620 8885) – have advised that they believe that the fire doors are compliant to the standard mentioned on the AFSS. This is based on the certificate which we received from Lock Stock and Barrel Locksmiths (attached) who were engaged by the building to complete the repairs from the annual inspection. Their records (Eagle Fire) also indicate that there are 192 residential units on the premises, each one with a fire door. There are also 98 common area fire doors. They would require access to every unit to inspect their door. This will take a technician 3 days to complete as long as all units provide access, and then have the report put together in their office. They have calculated that they would need to charge the building \$3840.00 + GST for this service. At the moment they are scheduled to carry out an annual inspection on the building in January when (as per their agreement with the building) all of these doors will be inspected in accordance with the conditions of the annual fire safety statement. They can't carry out the annual inspection any earlier as the AFSS is due on 1st April.

Due to the above reasoning from Eagle Fire, the Owners Corporation are kindly requesting that Council will agree to hold off until January to save the building this large expense. But if the Council still want us to proceed immediately, please send another notice to that effect so that we can commission the inspection works to be completed.

Many thanks and we look forward to hearing your reply.

Yours faithfully
BCS STRATA MANAGEMENT - EPPING

6 SP52948 – Waratah Strata Management summary of fire and OH&S compliance problems on 17th of March 2017

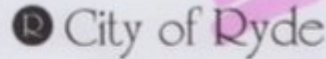
From: Robert Crosbie
Sent: Tuesday, 7 March 2017 12:09 PM
To: [REDACTED]
Cc: [REDACTED]@waratahstrata.com.au
Subject: SP 52948, 1-15 Fontenoy Road, Macquarie Park

raised the following issues with me at the conclusion of our site inspection last week:

1. We inspected Block A Fire Door 1 in the basement garage. It had both a door handle and a crash bar. The door handle was latching but the crash bar latches appeared to be locking in the unlatched position. In an emergency, if both the door handle and crash bar latch were working it would make it very difficult for a resident to exit the building, particularly if they were carrying a child. I suggest that the door handle should be removed with only the crash bar in operation. Please discuss this with the fire services contractors to confirm how this door should be operating. I assume other doors from the garages may also operate in a similar fashion, so should also be checked.
2. It was apparent that some fire doors were also catching on the floor and were not self-closing. These doors should also be serviced.
3. I understand that the garage fire doors previously had a sound alarm on them that operated after a set time to alert residents if a garage door was being used late at night or had been left open. This was a security measure to reduce break-ins to the garages. [REDACTED] advises these alarms have been disabled or are no longer working. Please advise whether this was a decision made by the committee or if there is some other issue with these alarms.
4. We inspected the internal face of the louvres in Block A garage. These appeared to be quite badly corroded and may not be suitable for repainting. Please have Brian Tompson inspect these when he is next on site to advise whether they can be repainted or if they should be replaced.
5. There was a water stain on the concrete block wall inside the garage on the left hand side of Block A Fire Door 1. It would appear that there is water seeping through the wall from the fire stairs above. Please advise whether this has previously been reported and whether any quote has been obtained. I am sure there are many similar areas of water penetration into the garages which are not necessarily structural issues, but if a low cost remedy is available repairs may be worthwhile.

Your assistance in these matters is appreciated.

7 SP52948 – Ryde Council letter with requests to investigate fire and OH&S compliance on 15th of April 2019



Lifestyle and opportunity @ your doorstep

Waratah Strata Management Pty Ltd
PO Box 125
EASTWOOD NSW 2122

15 April 2019

Attention: Frank Tallaridi (Strata Manager) &

Dear Sir

**Strata Plan SP52848
1-15 Fontenoy Rd Macquarie Park ("the premises") – Fire Safety
Compliance**

Following a correspondence received from Fire and Rescue NSW dated 8/03/2019, in relation to the ongoing maintenance issues for fire safety at the above mentioned premises, an inspection needs to be booked to investigate the matter further.

As per the correspondence some of the issues raised in relation to fire safety were:

Some of the issues related to fire safety in large strata plan SP52948:

- a) *Over 22 years, displays of yearly fire compliance have never been put on public notice in the complex.*
- b) *Lot of rubbish, building materials, and even paints are close or near the fire doors, sometimes even partially blocking access to stairs of affecting entrance to fire doors. Stored items in common areas near fire doors reduce required egress width and could contribute to fire spread.*
- c) *Most fire doors do not have proper notices, including warnings about penalties.*
- d) *Fire door 2 below Block A is kept open by a heavy smoker for several hours each and every day, in full view of building manager and his staff and no actions are taken to prevent such behaviour.*
- e) *Elevators are having serious problems and occasionally have people stuck in them. Elevators are obsolete by today's standards, have no new spare parts, and break down more than an industry average.*
- f) *I) Two smoke detectors in my own unit.*

FSS2014/0007

One of them should have been replaced in 2005 (now 14 years after the due date), and the other one expired last year. Attempts to get them replaced failed so far.

It is almost guaranteed that expired smoke detectors exist in many other units (complex has 218 properties).

- g) The external fire door in my unit was not compliant for 12 years and it was replaced in August 2016 upon my strong complaints.*
- h) Just last month, the external fire door in my unit received compliance tag (almost three years after its installation).*
- i) Strata managers and building managers often provided false and incomplete information for yearly fire safety compliance.*
- j) Emergency lights are often left unrepaired for long time. In one example last year, emergency light on level 2 in Block A was faulty for more than 59 days.*
- k) k) And much more.*

8 In spite of owners overwhelmingly approving OH&S Special By-Law in 2016 it has never been registered in NSW Land Registry Services and no record of such assessment provided to any SP52948 owner as of June 2021

At Annual General Meeting on 4th of November 2016, owners approved Special Resolution:

25. MOTION REQUESTED BY LOT 158-OCCUPATIONAL HEALTH AND SAFETY RISK ASSESSMENT:

25.1 That the Owners Corporation SP 52948 by SPECIAL RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996, make an additional By-Law in the following terms:

SPECIAL BY-LAWS: "Occupational Health and Safety Risk Assessment"

- To comply with the Work Health Safety (WHS) Laws that commenced on 1st of January 2012 and accompanied by the Model Work Health and Safety Regulations (MWHRS), the owners corporation shall conduct professional OH&S Risk Assessment before each and every annual general meeting,
- The OH&S Risk Assessment results shall be included in the agenda for every annual general meeting

APPROVED

49 voted Yes, 11 voted No

Special Resolution must be registered with NSW Land Registry Services within six months after the special resolution has been passed in order for the by-laws to be valid and legally enforceable. But that never happened in strata plan SP52948. Special By-Law has not been registered, in spite of complaints and concerns sent to Waratah Strata Management.

Since 2016 there has been no evidence of any OH&S health and risk assessments in the complex.

Document searches in 2017 and 2019 found no files related to OH&S and none are published on Waratah Strata Management web portal.

9 One smoke alarm in Lot 158 expired in 2005 and other in 2019, both declared faulty in 2019 and 2020 in fire inspections, and not replaced as of June 2021

Not including reports to previous strata agency, just in period 2019 to 2021 this was reported to Waratah Strata Management on:

1 March 2019
19 March 2019
1 May 2019
9 May 2019
9 May 2019 (second email with further updates)
17 June 2019
18 June 2019
19 June 2019
30 June 2019
7 July 2019
20 October 2019
7 December 2019
10 December 2019
13 February 2020
8 March 2020
18 March 2020
18 March 2020 (second email with further updates)
27 March 2020
28 March 2020
3 April 2020
28 April 2020
2 February 2021
19 April 2021
12 May 2021
12 July 2021

Smoke alarms are common property and in period from 1996 to 21 March 2019, they were always replaced with funds from common funds (Admin Fund).

Minutes of committee meeting on 21 March 2019 suddenly changed responsibility for smoke alarms, without owners corporation decision at general meeting or any consultations:

- **Smoke alarms in units - It is noted that the smoke alarms inside each unit are the lot owners**

2

Minutes Page 2 of 3

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

Concerned owner sent email with evidence to owners corporation about smoke alarms being maintained from Admin Fund for 23 years on 17 June 2019 – no reply was ever received:

SUMMARY: Smoke alarm - deliberately misleading and misconstrued statements to owners in March 2019

At committee meeting on 21st of March 2019, without approval of owners corporation, committee members and Waratah Strata Management unilaterally made the following decision:

- Smoke alarms in units - It is noted that the smoke alarms inside each unit are the lot owners

2

Minutes Page 2 of 3

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

In spite of repeated warnings to correct the above information, Waratah Strata Management did not respond or notify all owners that they selectively allowed some owners replace their smoke alarms from common funds (Lot 8, Lot 83, Lot 139, Lot 198):

23/04/2018	Block D U139	Install Smoke Alarm	Thor Electrics Pty Ltd	150.00	Paid	DE	22576	000435
16/10/2018	16:05	Administrator	Waratah Strata Management Pty Ltd					Page 9

2019-05-31 11:39:31

Date	Details	Payee	Macquarie Park NSW 2113 Amount Status (GST exclusive)	Type	Ref.No.	Payment No.
27/04/2018	AFSS 2018 Council Lodgement Fee	City of Ryde Council	60.45 Paid	Chq	10528	000335
30/04/2018	AFSS Repairs	Eagle Fire Protection Pty Ltd	4,515.00 Paid	DE	00028361	000437
02/05/2018	Lodge Annual Fire Safety Statement May 2018	Waratah Strata Management	150.00 Paid	DE		000440
07/05/2018	Block A Replace Exit Lights	Thor Electrics Pty Ltd	330.00 Paid	DE	22577	000443
14/05/2018	Block B U8 Smoke Alarm	Thor Electrics Pty Ltd	150.00 Paid	DE	22587	000448
04/06/2018	Th198 Install Smoke Alarm	Thor Electrics Pty Ltd	160.00 Paid	DE	22592	000454
04/06/2018	U204 Repair Sprinkler System	W & M Gordon Property	300.00 Paid	DE		000466
25/06/2018	20/6/18 - 19/9/18	Eagle Fire Protection Pty Ltd	2,815.25 Paid	DE	00028860	000479
23/07/2018	Test Emergency Lights in Garage Area	Thor Electrics Pty Ltd	360.00 Paid	DE	22612	000501
30/07/2018	Block C U83 Install Smoke Alarm	Thor Electrics Pty Ltd	160.00 Paid	DE	22617	000507
06/08/2018	Block C Exit Door Light	Thor Electrics Pty Ltd	470.00 Paid	DE	22620	000514
			\$23,857.45			

On 7 March 2020, Waratah Strata Management confirmed to Lot 158 problems that both smoke alarms need to be replaced:

Eagle Fire report states the following

Unit 158 Level 2 Building A				
Item # 121	Smoke Alarm	10 Year Replacement	Replace old/expired smoke alarm with new. The quoted amount is for a straight swap only and does not include any unforeseen circumstances.	
Item # 122	Unit Smoke Alarm	10 Year Replacement	Replace old/expired smoke alarm with new. The quoted amount is for a straight swap only and does not include any unforeseen circumstances.	

Regards,

Frank Tallaridi
Waratah Strata Management

On 8 March 2020, Lot 158 sent the following email to Waratah Strata Management, which was ignored and never responded to:

Subject: Re: 52948 - Unit 158 - Smoke detector advice - 8Mar2020
From: swax
Date: 8/3/20, 10:07 am
To: Frank Tallaridi

Good morning,

Please do not waste our time.

It is duty of Waratah Strata Management and Uniqueco Property Services to organize replacement of all smoke alarms in units. Lot 158 does not need to take any action and will provide access to the property when provided with the details of the visit. The cost of the replacement belongs to common funds, not Lot 158.

- For 20 years (including 2018), all smoke alarms were replaced from common funds. That includes actions by Waratah Strata Management, which were deliberately not disclosed to owners at EC meeting in March 2019 or ever since. Repeated requests to correct such statements in the subsequent meetings were ignored by Waratah Strata Management.
- Waratah Strata Management prevented Motion to ratify events related to smoke alarms for Lot 158 and others at AGM 2019. Very serious matter affecting personal safety and well-being of not only Lot 158 tenants but others as well.
- Ryde Council gave owners corporation till January 2020 to deal with number of fire safety issues, including smoke alarms and this is almost mid-March.
- The only reason why suddenly smoke alarms are allegedly not common property is due to fact that lot of money will need to be spent on it from common funds. But that is reality and we need to plan for it.
- One of the smoke alarms in Lot 158 was replaced by owners corporation in 2009 so it does not belong to Lot 158 anyway. It is already confirmed as common property.

a) We repeat for the third time in one week: please provide the full fire safety report for 2020 to Lot 158 immediately and details of the regulations.

We note that such report for 2018 and 2019 was not found in document searches on:

31 May 2019 and

20 September 2019

and not available on Waratah website for SP52948 owners (verified again today).

By the same token, the alleged letter for all owners about smoke detectors is not available at Waratah website or on notice boards too.

b) Waratah Strata Management provided details of the smoke alarms in Lot 158 only in the third email. The two emails dated 5 March 2020 contained no such information and under pressure from Lot 158, Waratah Strata Management added it belatedly.

In addition, full fire safety report for other owners is NOT DISCLOSED.

History of fire safety abuses in SP52948 are well known. Some of the examples are enclosed.

Some examples of warnings by Ryde Council are provided too.

c) We contacted Fire NSW and got the information first hand.

The floor snake can be put on the inside of the property but must not be on the external side of the door (on common property). Lot 158 is already compliant in that regard.

What is the direct relevance of door snake (primarily designed for smell, smoke, and draft prevention) in regards to BCA Spec C3.4 & AS 1905.1:

4. Fire Shutters

A required fire shutter must—

(a) be a shutter that -

(i) is identical with a tested prototype that has achieved the required FRL; and

(ii) is installed in the same manner and in an opening that is not larger than the tested prototype; and

(iii) did not have a rise in average temperature on the side remote from the furnace of more than 140 K during the first 30 minutes of the test; or

(b) be a steel shutter complying with AS 1905.2 if metallic fire shutter is not prohibited by C3.5.

In any case, Lot 158 is compliant with Fire NSW recommendations, apart from smoke alarms, which are common property.

The email also contained many attachments with evidence:



- [Attachments-359/SP52948-Ryde-Council-warnings-to-Peter-Bone-BCS-Strata-Management-about-improperly-submitted-fire-safety-statement-2Apr2014.png](#)
- [Attachments-359/SP52948-Ryde-Council-complaining-to-BCS-Strata-Management-about-repeatedly-not-responding-to-fire-safety-issues-3Nov2016.png](#)
- [Attachments-359/SP52948-Ryde-Council-repeated-warnings-to-Peter-Bone-BCS-Strata-Management-about-fire-safety-with-threat-of-penalties-15Dec2014.png](#)
- [Attachments-359/20190708-Read_SUMMARY_Smoke alarm - deliberately misleading and misconstrued statements by Waratah Strata Management to owners in March 2019-24068.html](#)
- [Attachments-359/20190707-Re_SUMMARY_Smoke alarm - deliberately misleading and misconstrued statements by Waratah Strata Management to owners in March 2019-24057.html](#)
- [Attachments-359/20190617-SUMMARY_Smoke alarm - deliberately misleading and misconstrued statements by Waratah Strata Management to owners in March 2019-23757.html](#)
- [Attachments-359/20190617-Read_SUMMARY_Smoke alarm - deliberately misleading and misconstrued statements by Waratah Strata Management to owners in March 2019-23761.html](#)
- [Attachments-359/20190630-Read report_SUMMARY_Additional fire safety and other issues on 29Jun2019-23941.html](#)
- [Attachments-359/20190629-SUMMARY_Additional fire safety and other issues on 29Jun2019-23935.html](#)
- [Attachments-359/20190519-REQUEST FOR IMMEDIATE REPLY AND ACTION_Fire door safety risks and some lots still not checked for fire safety as of 19May2019-23367.html](#)
- [Attachments-359/20190301-FOR OFFICIAL RESPONSE AND ACTION_SP52948 Replacement of obsolete smoke detectors in Lot 158-22685.html](#)
- [Attachments-359/20190319-Re_FOR OFFICIAL RESPONSE AND ACTION_SP52948 Replacement of obsolete smoke detectors in Lot 158-22898.html](#)
- [Attachments-359/20190513-Read_FINAL REQUEST FOR OFFICIAL RESPONSE AND ACTION_SP52948 Replacement of obsolete smoke detectors in Lot 158-23278.html](#)
- [Attachments-359/20190509-FINAL REQUEST FOR OFFICIAL RESPONSE AND ACTION_SP52948 Replacement of obsolete smoke detectors in Lot 158-23240.html](#)
- [Attachments-359/20200213-UPDATED SUMMARY_Strata Plan 52948 Expired smoke detectors in Lot 158 and possibly many other lots as of 23Jan2020-26736.html](#)
- [Attachments-359/20160425-Re_REQUEST FOR OFFICIAL RESPONSE - FIRE DOOR SP529487 Lot 158 NON-COMPLIANCE WITH 1905.1 and AS1530.4-8033.html](#)
- [Attachments-359/SP52948-Motion-about-smoke-alarms-prevented-by-Waratah-Strata-Management-from-voting-AGM-page-1-Oct2019.png](#)
- [Attachments-359/SP52948-Motion-about-smoke-alarms-prevented-by-Waratah-Strata-Management-from-voting-AGM-page-2-Oct2019.png](#)
- [Attachments-359/SP52948-Waratah-Strata-Management-confirming-deadline-till-Jan-2020-to-fix-fire-safety-issues-20Sep2019.pdf](#)

Of critical importance is that Waratah Strata Management knew of Ryde Council threats of penalties for incomplete of misleading fire safety reports sent to BCS Strata Management on 18 December 2014:



Mr P Bone
BCMS
Locked Bag 22
Haymarket NSW 1238

15 December 2014

Our ref: FSS2014/7

Dear Mr Bone

**1-15 Fontenoy Road Macquarie Park
Fire Safety issues**

I refer to Council's letter dated 2 April 2014 (copy attached) advising that the annual fire safety statement submitted in respect to the above premises was incomplete and requesting that an amended statement be submitted.

I note that the amended statement has not yet been received and the building owners are therefore liable to substantial penalties – see schedule below.

I further have to advise that Council is in receipt of reports indicating that in January 2013 there were 197 defects with the installed fire safety measures and 52 units were not inspected and in July 2013 there were 118 defects. Would you please advise the present status of rectification of the reported defects and whether all units have now been inspected.

You are again requested to submit a fully completed annual fire safety statement in respect to the above premises;

Note: The statement is to be signed by the building owner or agent and considering the abovementioned 2013 inspection reports your attention is directed to Clause 283(False or misleading statements) of the Environmental Planning and assessment Regulation 2000 which states "A person is guilty of an offence if the person makes any statement, knowing it to be false or misleading in an important respect, in or in connection with any document lodged with the Director-General or a consent authority or certifying authority for the purposes of the Act or this Regulation."

Should the required statement not be received by 3 February 2015 penalty notices will be issued in accordance with the schedule below.

On 28 April 2020, Lot 158 again requested replacement of the smoke alarms and copies of the fire inspections and per SSMA 2015 Section 43 and they have never been provided to them or any other owner:

28 January 2020

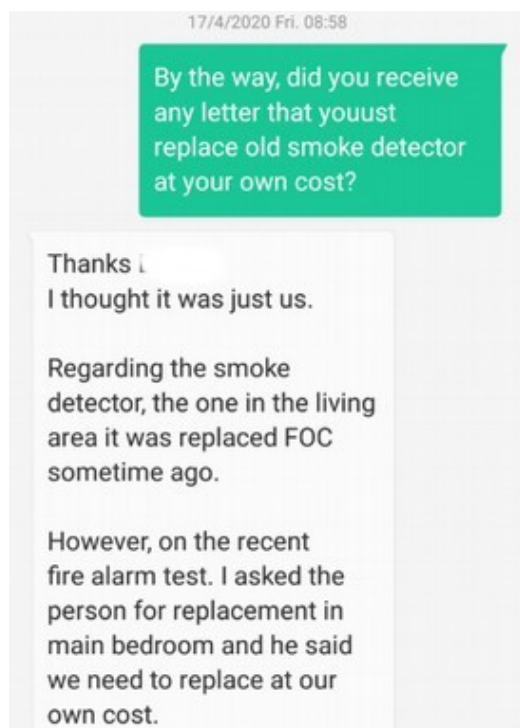
18 March 2020 (unplanned full test of the building emergency lights)

19 March 2020

6 April 2020

Waratah Strata Management refused to replace them, in spite of repeated warnings of the risks.

Here is SMS from another owner who was told to replace smoke alarm at own cost on 17th of April 2020:



At committee meeting on 29th of April 2021, Waratah Strata Management sent the following update with change of actions to owners in the Minutes:

- **Smoke Detectors** - It was decided that the Owners Corporation would take responsibility for the maintenance and replacement of all smoke detectors in each lot. The smoke detectors are inspected during the annual fire inspection, but the replacement of the batteries and replacement of failed or out of date detectors has been lot owner responsibility. This is now causing difficulty with the fire contractors signing off the Annual Fire Safety Statement so it is better that any maintenance is carried out by the Owners Corporation so as not to prevent or delay the AFSS being issued. Owners/residents are responsible for reporting to the property manager non-functioning smoke detectors including the need for battery renewal. Smoke detectors identified at the last inspection and requiring replacement will be part of this program.

At committee meeting on 15th of July 2021, Waratah Strata Management sent the following update:

2 FINANCIAL REPORT

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

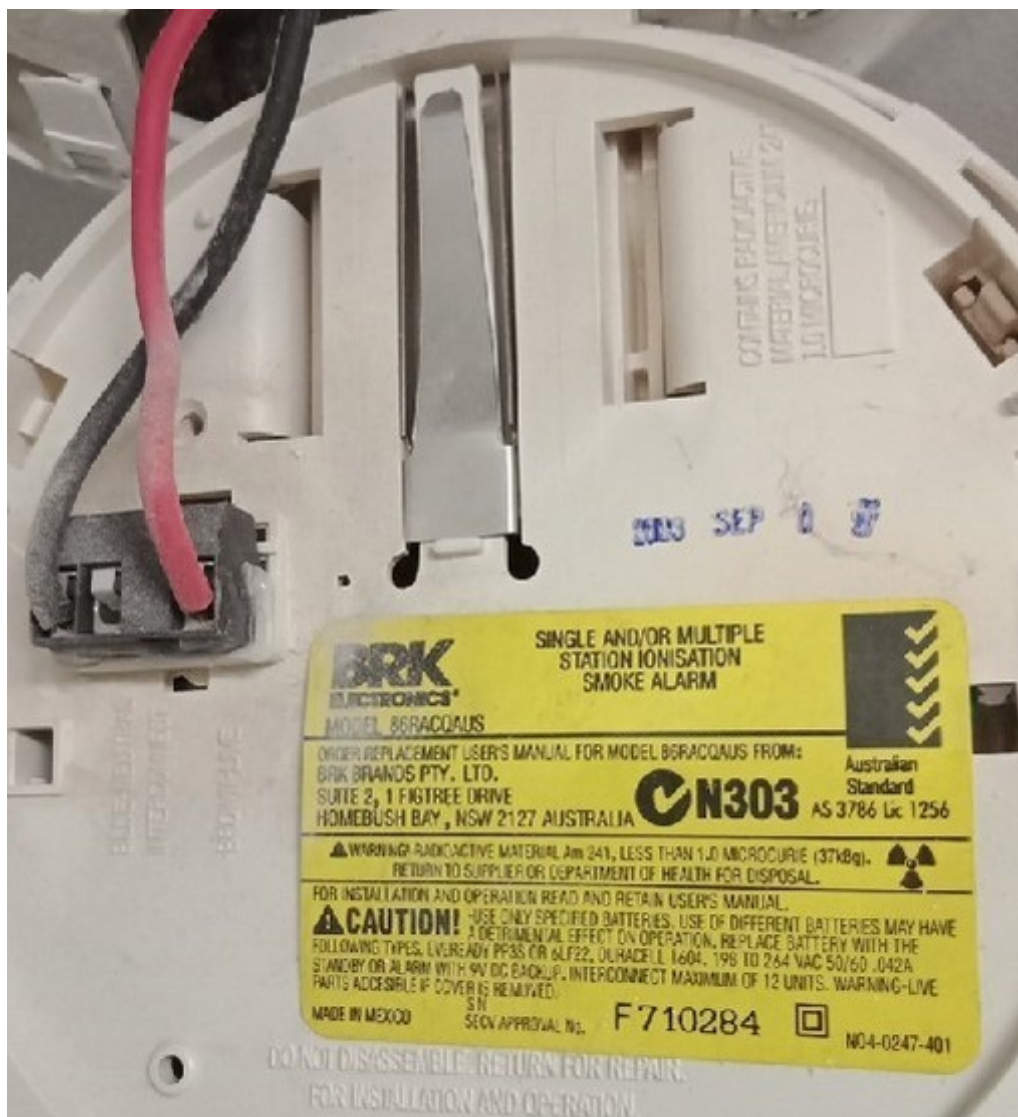
- When preparing the budget for the 2021 - 2022 period, allowance will need to be made for the Council Fire Order works. If quotes have not been received prior to the budget being prepared, Core Fire will be asked to provide an estimated cost of this work.
- The budget will also need to make allowance for the cost of replacing defective and out of date smoke detectors in each lot, for which the Owners Corporation has taken on responsibility.
- Council Fire Order - Core Fire are to be asked to provide a copy of the response received from Council to the information provided by Core Fire on the current status of the Fire Order works. Core Fire are also be asked to advise whether quotes for the required works will have been received by the end of the current financial year (31/8/21) so the cost can be included in the budget, and if not, that an estimate of the cost of the works be provided by Core Fire.

As of late August 2021, both smoke alarms in Lot 158 (and possibly many other units) have not been replaced yet.

En-suite bedroom (manufacture date 1994, expired in 2005):



Foyer near main bathroom and kitchen (manufacture date 2008, expired in 2019)



Email to SP95535 shows similar delays in their complex in 2018/2019:

From:
Sent: Friday, 20 September 2019 10:49 AM
To:
Cc:
Subject: SP 95535, 11 Henderson Road, Alexandria.
Attachments: FW: Modified Fire Safety Order 11 Henderson Road Alexandria FIRE/2018/113

We have the AGM for the above property on Monday evening and would like a brief update on the current status of the Council fire order works that we can provide to the owners. Attached is our most recent correspondence, so I am aware we have until January to finalise the items, but would like to know what is currently underway. Please also advise the likely costs of the remaining works so we can allow for this in this year's levy budget.

10 SP52948 continued issues with Residential Tenancy Act 2010 short-term letting and additional risks for guests with smoke alarms

This was reported to strata managers, who failed to rectify major issue endangering safety and health of tenants, causing potential increase in insurance costs and risks, on:

26 March 2020

27 March 2020

19 April 2021

SP52948 properties are still advertised for short-term letting, in non-compliance with Development Approval Conditions and Building and Development Advisory Service (Consent 288/94). Examples:

<https://www.shorttermapartmentrentals.com.au/apartment/macquarie-park-2-bedroom-fontenoy-road-mq48/>

It is being advertised at price of \$140.00 to \$200.00 per night.

https://yandex.com/maps/org/north_ryde_furnished_apartments_93_fontenoy_road/192016770265/?ll=151.132828%2C-33.779415&z=18

<https://www.expedia.com.au/Sydney-Hotels-MQ-2bad2bath-Aptgympoolbbq-Roomsport-Area.h39570260.Hotel-Information>

<https://www.travelocity.com/Sydney-Hotels-MQ-2bad2bath-Aptgympoolbbq-Roomsport-Area.h39570260.Hotel-Information>

https://australia247.info/explore/new_south_wales/city_of_ryde/macquarie_park/inest-accommodations-0414-388-911.html

<https://planetofhotels.com/en/australia/rydalmere/north-ryde-self-contained-two-bedroom-apartment-93font>

How bad was the rating on 1st of April 2018 for Lot 93 shows this website:

<https://planetofhotels.com/en/australia/rydalmere/north-ryde-self-contained-two-bedroom-apartment-93font>

They stated, **with special emphasis on faulty smoke detectors:**

When we arrived the apartment was dirty, with urine splashes on the floor in bathroom etc. The smoke detector didnt work, There were no teaspoons, no toaster and egg stuck to the cupboard doors...

Some councils have been sending letters to owners corporations asking to sign off statements about compliance with the Residential Tenancy Act 1987. For example, request sent to SP57348 from Council of the City of Sydney in February 2020. In it, it states:

The Body Corporate has been advised by the Council of the City of Sydney that Development Approval condition 5{c} for the Aston Strata building states that “All units approved for permanent residential accommodation must be either owner occupied, or occupied by a tenant with a residential lease under the Residential Tenancy Act 1987. A certificate signed by the owner or the Body Corporate (if the development is strata subdivided) or a Solicitor (holding a current certificate to practice), must be forwarded to Council within 12 months of the completion of the development, and every 12 months thereafter, certifying that all units approved for Residential Development are either owner occupied or are subject to residential leases under the Residential Tenancy Act,1987.” The Aston Body Corporate is required under the terms of this Development Approval to provide the above Certificate to Sydney City Council.

Verification of SP52948 Development Approval Conditions and Building and Development Advisory Service at Ryde Council confirms that this applies to SP52948:

- Short-term tenants are allowed ONLY if owner stays and lives in property and shares it with visitors. In that case they still have to get Ryde Council approval.
- The other valid options for a property to be occupied in our complex are:
 1. Owner occupied, or
 2. Subject to a lease under Residential Tenancy Act 1987.
- Services like AirBnB, StayZ, and similar are not allowed in strata complexes by law as yet.

11 Lot 158 water leaks near electrical installation (lighting) on ceiling in sun-room

In 2003, SP52948 lost case at NSW Fair Trading due to lack of proper maintenance of sun-room for an owner:

MOTION 2 That in connection with a Mediation Hearing due to take place on the 20th August 2003 (applicant Owner lot 45) that William John Fry from Raine & Horne Strata-Sydney be authorised to attend such Hearing on behalf of the Owners Corporation with an instruction that agreement be sought for the waterproofing of the sunroom to be undertaken at Owners Corporation cost but that the repairs be delayed until 2004 at which time scaffolding will be in place for the purpose of repainting the exterior of the building - Carried.

Similar problem was reported to owners corporation, who failed to rectify major issue endangering safety and health of tenants, causing increase in insurance costs and risks, on:


29 November 2020

12 May 2021

12 July 2021

As of 25th of July 2021, this repair is still outstanding, as per online website status for owners:

WARATAH

Strata  Management

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[HOME](#) [OWNERS CORPORATION](#) [PORTFOLIO](#) [REPORTS](#) [MEETINGS](#)

Strata Plan 52948

[Work Orders](#) [Quotes](#)

▼ Open Work Orders

Date	Status	Job Summary	No
28/05/2021	Sent	Replace FIP batteries	9988
03/12/2020	Sent	Lot 158 Sunroom Leak	8888
01/12/2020	Sent	Inspect A & B Block sun room window frames	8869
01/12/2020	Sent	Inspect C & D Block sun room window frames.	8870
09/07/2020	Sent	Smoke detectorfor Unit 148 - Eagle Fire	7939
25/06/2020	Sent	Quote accepted for fire services - Flame Safe	7834
04/08/2017	Sent	Replace conduit brackets	4026
05/06/2017	Sent	Repair planter boxes	3758
12/05/2017	Sent	Th's 194-198 - Replace damaged gutters	3672
08/03/2017	Sent	TH214 - Repair sliding door leak	3401

Results: 1 - 10 / 12 [◀](#) [▶](#) Page 1 / 2

One repair was completed but the carpet in sun-room was already completely damaged (water bubbling from the opening in the floor).

Second repair was not done. Somebody deemed it to be an “old” problem because the ceiling was dry at the time.

Photos and videos taken on 11th and 12th of May 2021 show that the ceiling is moist and full of water residue in certain areas near lighting, creating high risk of fire hazard and electrocution.

Lot 158 took moisture meter readings in various areas of the ceiling and it is obvious that water damage near electrical lighting is a major problem, with disaster just waiting to happen.

Typically, moisture content in percent (%MC) above around 17-18% is considered to be a significant problem. Readings on some areas on the ceiling near electrical lighting was 33% in Lot 158 whilst others were perfect.

Rental properties are covered amendments to the Residential Tenancies Act 2010 (the Act) and the new Residential Tenancies Regulation 2019 (the new Regulation):

Landlords are currently required to provide the rented property in a reasonable state of cleanliness and ‘fit for habitation’. The changes introduce seven minimum standards which clarify what ‘fit for habitation’ means.

The minimum standards set clearer expectations for landlords and tenants and will apply to all rented properties. To be fit to live in, the property must (as a minimum):

- be structurally sound,
- have adequate natural or artificial lighting in each room, except storage rooms or garages,
- have adequate ventilation,
- be supplied with electricity or gas, and have enough electricity or gas sockets for lighting, heating and other appliances,
- have adequate plumbing and drainage,
- have a water connection that can supply hot and cold water for drinking, washing and cleaning,
- have bathroom facilities, including toilet and washing facilities that allow users' privacy.

Landlord or agent should take steps (such as make repairs) to make sure the property is fit to live in. These standards must be maintained throughout the tenancy (by making repairs).

Photos take in sunroom of Lot 158 on 11th of May 2021:



Screenshot from video recording taken on 15 July 2021:



We have heard from various owners that SP52948 strata managers often decline or do not properly repair water leaks in sun-rooms.

Here are the facts:

- Where water ingress can be traced to common property, it is strata's statutory obligation to rectify it. This often cannot be determined without the assessment of a plumber, engineer, or other professional.
- When a lot owner notices a leak or water damage emerging they can request a committee to pay for this investigatory work, but an owner might decide to pay out of their own pocket first and seek reimbursement later. This is done for expediency – a leak should be investigated immediately, rather than waiting for a committee to convene, because a problem fixed sooner will be a problem fixed more affordably. Note this reimbursement could only apply if the problem was determined to be water ingress from common property.
- We live in so-called Class 2 building (apartment buildings).

Sun-room is considered to be a habitable room. Habitable room means a room used for normal domestic activities, and:

(a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room and sun-room; but

(b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

- In 2003/2004, SP52948 Lot 45 forced proper repairs in his sun-room through NSW Fair Trading.
- Since 2012, SP52948 strata managers prevent owners from knowing that due to significant water leaks and water-related damages, insurance companies forced water damage/burst pipe/exploratory excess for each and every claim \$10,000.00:
- Sun-room must not have water leaks.

12 Lot 158 poor ventilation in main bathroom and laundry since 2018 and increased health and safety risks

This was reported to Waratah Strata Management, who failed to rectify major issue endangering health of tenants, causing increase in insurance costs and risks, on:

16 June 2018

20 June 2018

22 December 2018

23 December 2018

25 January 2019

10 February 2019

9 May 2019

30 June 2019

20 October 2019

7 December 2019

10 December 2019

15 April 2020

26 May 2020

7 July 2020

21 July 2020

26 September 2020

15 February 2021

21 March 2021

19 April 2021

12 July 2021

Number of owners complained about poor ventilation, so Lot 158 is not the only one reporting this health hazard and lack of proper maintenance of common property.

Since June 2018 Lot 158 has been reporting issues with amount of fresh air coming through vents in one bathroom and laundry (the other bathroom is fine).

Talking to some owners and tenants, they are lead to believe that vent covers cannot be taken out of ceiling, which is wrong. We also learned that some vent covers are actually screwed in ceilings, which we hope are not the case because it would endanger health of all residents due to inability to clean them up properly.

It is obvious that world has changed dramatically since COVID-19. Having proper ventilation is a crucial part of preventing infection.

Rule's research on COVID-19 found, that after social distancing, ventilation was the second most significant part of preventing infection spread, because air conditioning prevents infection by removing air from a room where there are virus droplets.

AIRAH (the Australian Institute of Refrigeration, Air Conditioning and Heating) have said that they have found no evidence to suggest that air-conditioned in homes and businesses transmit COVID-19 at this time.

While there is no firm evidence the disease can travel around buildings through air-conditioning systems, allowing more fresh external air into buildings with heating and ventilation systems is one suggested tactic. Also, enhanced filtration can play a role, and there is “ample evidence” that viruses do better in low humidity.

Question requiring immediate response: what are strata managers doing in regards to pro-active maintenance of all HVAC units, cleaning air vent covers in the ceilings, and advising all owners and tenants about it? To clean air vent covers they should be removed from ceilings and be soaked in hot, soapy water. For scrubbing off the stubborn dust, one can use a microfiber cloth or even a small sponge paintbrush.

Some of quarterly HVAC maintenance tasks (designed to ensure comfort, air quality, safety and a healthy environment). Ignoring/delaying these items could result in an increase in indoor allergy symptoms, illnesses and a loss of efficiency:

- Apply Anti-bacterial and Anti-Corrosion Treatments to Chillers or Water Towers if Needed
- Change Air Filters
- Check Electrical Components and Wires
- Clean Dirt, Leaves and Debris from Around Outside Unit
- If the HVAC Unit Is Equipped with UV Lamp, Ensure Proper Operation
- Inspect Air Handler P-Trap
- Inspect and Program Thermostats (Seasonally)
- Inspect Drain Tube and Pan for Moisture, Mold and Bacteria Growth
- Inspect HVAC and/or Boiler Piping for Leaks and Signs of Corrosion
- Make Sure Dampeners are Operating Correctly

Yearly preventative maintenance tasks are designed to prevent catastrophic failures by finding problems in a timely manner:

- Check coils for Corrosion and Damage
- Check Fan Motors and Other Moving Parts for Wear and Tear
- Disassemble Cooling Tower Screens
- Examine Heating and Cooling Bills and Compare Them with Previous Year
- Have Air Conditioning Unit Professionally Inspected (Prior to Summer)
- Have HVAC Unit Professionally Cleaned
- Have HVAC Vents Cleaned and Inspected for Mold
- Inspect BAS System or HVAC Control System for Proper Operation and Function
- Inspect Fans Belts for Wear and Tear
- Inspect Heating Ignition and Heat Exchanger (Prior to Winter)
- Inspect HVAC Unit for Bacterial Growth, Especially Chillers
- Inspect Internal Components for Moisture Accumulation and Mold
- Make Sure HVAC Ducts are Properly Insulated

- Consider Performing Energy Efficient Upgrades

13 Lot 43 poor ventilation in bathrooms and increased health and safety risks, as reported in June 2020

On 13th of June 2020, Lot 158 documented problems with water leaks and dampness in bathrooms of Lot 43 (top floor in Block B), which created not only serious health risks, but also dangers of water entering electrical installations.



Strata managers never responded or offered evidence of rectification work.

Lot 158 said in their email:

Broadly known as toxic mold, black mold that appears to have infected their bathrooms can put the family in danger. Black mold actively produces mycotoxins, the poisonous substance of fungus.

Mycotoxins can cause many health problems, including infections and allergic symptoms. The following symptoms are caused by mycotoxins from black mold infestation.

- * Respiratory infections, including coughing, sneezing, and sore throat. In some serious cases, the toxin can lead to pneumonia, breathing problems, and asthma attacks.*
- * Chronic fatigue, exhaustion, headache and migraines, even mental depression and mental impairment.*
- * Blood diseases, including haemorrhage, nosebleed, and mucous membrane irritation.*
- * Damage to internal organs and the suppression of immune system.*
- * Sinus congestion such as difficulty breathing, runny nose, ear infection, sneezing, coughing, and sore throat.*
- * Allergic reactions, including red, itchy, and watery eyes, as well as hives and rashes on the skin.*

Poor repairs of water leaks are best displayed by more than 24 repairs in Lot 191 over last 8-9 years.

In 2003/2004, Lot 45 in Block B of our complex (he was a psychiatrist) successfully forced owners corporation to repair water leakages in sun-room. BCS Strata Management tried to argue that sun-rooms were not designed to be "water-tight", which was complete nonsense and was rejected at NSW Fair Trading. Lot 158 is aware of recent similar claims by Waratah Strata Management for other owners. All areas of units need to be free of water leakages and dumpiness.

All four buildings in the complex have serious problems with roof leaks and plumbing. There was some work in Block B in 2012 and 2015 to repair roof membrane.

Due to lack of proper maintenance, Kintyre decreased the warranties for roof membrane in Block B from 15 to 5 years. So, this year, the warranties for half-roof membrane in Block B have expired.

As evidence shows, there was no 15-guarantee and it will never be provided due to long-term neglect of the roof area not only in Block B, but quite possibly in other buildings as well:

Kintyre Building Services Pty Ltd

A.B.N. 65 062 739 039 Licence No: 79326C

Level 1, 15 Mobbs Lane
Carlingford, NSW 2118

Ph: 9868 7919 Fax: 9868 6903 Email: admin@kintyre.net.au

Tax Invoice

Invoice #: 00036682
Date: 27/02/2015

INVOICE TO:

The Owners-STRATA PLAN
C/- Russell Young
BCS Epping
Locked Bag 22
Haymarket NSW 1238

JOB ADDRESS:

The Owners-STRATA PLAN
North Ryde NSW 2113

Amount

Supplied and installed permanent anchor points to allow for static line harness access to roof perimeter

Hi-pressure cleaned the dirt and grime build-up from the concrete substrate

Supplied and installed one coat of primer to the concrete substrate

Supplied and installed a new 40mm hob around the perimeter of the concrete substrate

Supplied and installed a 2 x layer torch on membrane to entire concrete substrate consisting of roll base and mineral top

Supplied and installed new Colorbond perimeter capping to provide external finish

This quotation includes an allowance to hoist all materials to the roof externally and removal of all job spoils from site on completion

PLEASE NOTE - The torch on membrane comes with a 15 year material warranty. In discussions with the manufacturers they have advised that a liquid membrane applied to this roof would come with a 5 year material warranty due to excessive cracking and water ponding on the existing concrete substrate.

\$59,356.00

Recently, there was an emergency work in roof of Block B again. This is requested immediately:

- 1. Investigate causes of mold and humidity in bathrooms of Lot 43, and take corrective actions as required.*
- 2. Investigate air flow in bathrooms and laundry of Lot 43, and take corrective actions as required. For some tenants (Lot 158 knows a few), owners corporation cleaned up the vents in their units.*
- 3. Verify if any other unit on top floor of Block B (Level 7) has similar problems.*
- 4. Prepare tenders for membrane installation for second half of the roof in Block B and whole roof in Block A and C (Block A and C have not been done properly for 24 years now).*
- 5. Send notice to all owners and tenants about maintenance of vents in bathrooms and laundry rooms, which are especially important during COVID-19.*

On 9th of June 2014, Dural Building Services (DBS) submitted the quote DBS Q14-048 for SP52948 roof repairs on Block B to BCS Strata Management. BCS Strata Management paid their invoice in amount of \$385.00 six months after it was submitted. DBS quote reported that complete roof of Block B (above unit 47) would be properly waterproofed and repaired at cost of \$74,800.00 (GST inclusive). That quote was never presented to owners and was not even included at General Meeting on 26th of November 2014. The only "competitor" was Kintyre Building Services, which won the contract through Motion at the General Meeting.

After work was completed in Block B, there was a complaint about the quality and urgent additional repairs had to be done in March 2015. Without any further bids or requests for quotes, Kintyre Building Services "won" project for one other building. Paid roof repairs without tender to them since 2014 (prices include GST):

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

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

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

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

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

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

Waterproofing one whole roof in a building cost SP52948 around \$107,000.00 (GST inclusive). The same work, by DBS would cost around \$74,800.00 (GST inclusive).

Membrane repairs on remaining two and a half-roofs are still outstanding, in spite of several professional assessments.

From Napier & Blakely report in July 2012:



Block A roof coverings



Block C roof coverings

Condition, Observations and Comments

The flat concrete deck roof areas to Blocks A, B, C and D contain large areas of standing water. A number of previous patch repairs have been carried out. The surfaces require preparing and recovering with a liquid applied waterproof membrane within the short to medium term (1-5

years). Block C was observed to be in good overall condition with Block D suffering the most standing water.

The falls to the drainage are insufficient and improving the existing falls should also be considered. The internal units were not inspected for any water penetration via the roof slab.

The townhouses roofs appear to be in good condition with no defects of note.



Standing water to flat roof deck, Block A



Standing water to flat roof deck, Block B

On 1st of March 2017, joint visit with Waratah Strata Management to roof areas of the four building showed the following status:

















Here is an example of Waratah Strata Management Mr. Simon Wicks making an order to secure exhaust vent for Lot 33 in 2011 (before he was removed from managing SP52948 whilst employed by BCS Strata Management):

WORK ORDER		Function Exercised Date: 20/09/2011
Function Exercised on behalf of the Owner Strata Plan No. 52948		
Building Name		
Building Address 1-15 FONTENOY ROAD, MACQUARIE PARK NSW		
Portfolio Manager: SIMON WICKS	Site Contact:	
Phone: (02) 9868 2999	Contact Phone:	
Email: @bcms.com.au	Contact Mobile:	
	Contact Email:	
Issuing Manager: Simon Wicks	Signature: 	
Phone: (02) 9868 2999		
Email: @bcms.com.au		
Office of Issue: EPPING Office Address:	LOCKED BAG 22 HAYMARKET NSW 1238	
PERSON/CONTRACTOR INSTRUCTED:		
Name: Ability Property Maintenance Pty Ltd		
Address: PO Box 281 Castle Hill NSW 1765		
Tel - 1: (02) 9899 8899	Mob: 0438 440 450	
Tel - 2:	Fax: (02) 9899 8899	
Email: @optusnet.com.au		
CONTRACTOR IS NOT BCSblue CERTIFIED - Visit www.bcsblue.com.au for information		
Please refer to the instructions below, undertake a risk assessment of the site and if safe proceed with the required works. By proceeding with the job instructions specified you are deemed to have accepted the terms and requirements of this work order		
JOB INSTRUCTIONS		
Unit 33 - Secure bathroom exhaust vent. Unit is currently vacant. Please collect keys from James at Raine & Home Epping.		

Here is an example of BCS Strata Management Mr. Gary Webb making an order to repair exhaust vent for Lot 179 in 2012:

WORK ORDER		Function Exercised Date: 22/02/2012
Function Exercised on behalf of the Owner Strata Plan No. 52948		
Building Name		
Building Address 1-15 FONTENOY ROAD, MACQUARIE PARK NSW		
Portfolio Manager: GARY WEBB	Site Contact: N K TANG	
Phone: (02) 9868 2999	Contact Phone: 0411 243550J	
Email: @bcms.com.au	Contact Mobile: 0433672389 K	
	Contact Email: @hotmail.com	
Issuing Manager: Gary Webb	Signature: 	
Phone: (02) 9868 2999		
Email: @bcms.com.au		
Office of Issue: EPPING Office Address:	Locked Bag 22 HAYMARKET NSW 1:	
PERSON/CONTRACTOR INSTRUCTED:		
Name: Electron Management Pty Ltd		
Address: 6 Tarban Street Gladesville NSW 2111		
Tel - 1: 0418 222 374	Mob: 0418 222 374	
Tel - 2:	Fax:	
Email: @electronmanagement.com.au		
Please refer to the instructions below, undertake a risk assessment of the site and if safe proceed with the required works. By proceeding with the job instructions specified you are deemed to have accepted the terms and requirements of this work order		
JOB INSTRUCTIONS		
U179, Inspect and repair exhaust fans as required.		

HR & FL West repaired and refitted exhaust fans in Lot 67 in 2013:

TAX INVOICE

HR & FL WEST
9 BOTTLE BRUSH RD
WESTLEIGH 2120

A B N 30 413 213 905

Invoice # 1002

TO : OWNERS OF SP 52948
MACQUARIE GDNS, NTH RYDE

19/ 6/13

C/: RAINE AND HORNE STRATA

ATTENTION : PETER BONE

- Carry out various repairs including render repairs, cornice and ceiling repairs to units 119, 150, 151 and 193

Unit # 67

- Repair and refit exhaust fans to ceilings

14 Due to repetitive water leaks and piping problems insurance premiums for SP52948 enforced \$10,000.00 for each and every claim for water damage, burst pipe, and exploratory works since 2012

Apart from obvious risks related to water, these problems create serious threats of entering electrical installations, which could end with fires and smoke inside the properties. Insurance policy in 2012:

Excesses:

SECTION 1	Earthquake	For each claim or series of claims during a period of 72 hours for loss or damage caused by Earthquake or Tsunami:	
		i. Where the Building(s) Sum Insured is up to \$5,000,000 and the Building is occupied solely for residential purposes; or	\$ 250
		ii. Where the Building Sum Insured is greater than \$5,000,000 and the Building is occupied solely for residential purposes; or	\$ 20,000 or 1% of the Building Sum Insured (whichever is the lesser)
		iii. Where the Building is occupied partly or solely for commercial purposes	\$ 20,000 or 1% of the Building Sum Insured (whichever is the lesser)
SECTION 1	Water Damage/Burst Pipe/Exploratory Cost on each & every claim	\$	10,000
SECTION 1	Flood Damage claims	\$	5,000
SECTION 1	All Other Claims as per Policy Wording and	\$	1,000
SECTION 2	For each and every claim	\$	250
SECTION 3	For each and every claim	\$	250
SECTION 4	7 days		
SECTION 5	For each and every claim	\$	250
SECTION 6	For each and every claim for loss of damage to machines	\$	5,000 - Chillers, Cooling Works, Generators & Central Air Conditioners \$ 2,500 – Lifts and pump motors 1,000 – All Other Losses
SECTION 7	For each and every claim	\$	10% of all Legal Expenses or \$1,000 for each claim, whichever is the greater
SECTION 8	For each and every claim	\$	250

Agenda for SP52948 Annual General Meeting SP52948 did not disclose any details of insurance policy excesses in October 2013:

No.4 That the Owners Corporation insurances as listed be confirmed including insurances referred to in Section 88(2) (Fidelity Guarantee & Office Bearers Liability) and that the Managing Agent be authorized to renew the insurances for the Owners Corporation in compliance with all of the requirements of the Strata Schemes Management Act 1996 and the Financial Services Reform Act and to increase the building sum insured at renewal in accordance with a new valuation or where no valuation obtained in accordance with the Building Cost Index.

Type of Policy	Insurer	Policy Number	Sum Insured	Due Date	Date Paid
BUILDING	LONGITUDE INS	LNG-STR-45727	\$108,388,500	21.09.14	12.09.13
CONTENTS	"	"	\$1,083,885	"	"
P/LIAB.	"	"	\$20,000,000	"	"
VOLWORK	"	"	\$200,000	"	"
OFF BEAR	"	"	\$2,000,000	"	"
CATASTROPHE	"	"	\$32,516,550	"	"
FID GUAR	"	"	\$100,000	"	"
GOVT AUDIT CST	"	"	\$25,000	"	"
LEGAL EXP	"	"	\$50,000	"	"
LOSS OF RENT	"	"	\$16,258,275	"	"
LOT OWNERS F&F	"	"	\$300,000	"	"
WH&S BREACHES	"	"	\$100,000	"	"

Note: The building insurance does not include carpet, internal painting, lighting and window coverings within the lots.

Agenda for SP52948 Annual General Meeting SP52948 did not disclose any details of insurance policy excesses in November 2014:

- No.5 That the Owners Corporation insurances (including those insurances referred to in Section 88(2) (Fidelity Guarantee & Office Bearers Liability) as listed in the Certificate of Insurance dated 14th August 2014 (and reproduced below) be confirmed and that the Managing Agent be authorized to renew the insurances for the Owners Corporation in compliance with all of the requirements of the Strata Schemes Management Act 1996 and the Financial Services Reform Act and to increase the building sum insured at renewal in accordance with a new valuation or where no valuation obtained in accordance with the approximate relevant annual change in the Building Cost Index.

Certificate of Insurance



Attention: Christian Wardhana
Company: Body Corporate Brokers
Issue date: 14 August 2014

Certificate of Insurance

This document certifies that the policy referred to below is currently intended to remain in force until 4.00pm on the expiry date shown below and will remain in force until that date, unless the policy is cancelled, lapsed, varied or otherwise altered in accordance with the relevant policy conditions or the provisions of the "Insurance Contracts Act, 1984".

INSURED: The Owners of Strata Plans 52948 and 53855

INTERESTED PARTY(S): Nil

DESCRIPTION OF INSURED BUSINESS: Residential Strata

SITUATION OF RISK: 1-15 Fontenoy Road, NORTH RYDE, New South Wales 2113

SECTION 1: Property - Physical Damage
Buildings - \$112,000,000
Common Contents - \$1,120,000

SECTION 2: Voluntary Workers Personal Accident
Death & Disablement - Insured
Weekly Benefits - Insured

SECTION 3: Office Bearers' Liability
Limit of Indemnity - \$2,000,000

SECTION 4: Fidelity Guarantee
Limit in the Aggregate - \$100,000

SECTION 6: Public Liability
Limit of Indemnity - \$20,000,000

SECTION 7: Government Audit Costs, Workplace Health and Safety Breaches and Legal Expenses
(a) Government Audit Costs
Limit of Indemnity - \$25,000
(b) Workplace Health and Safety Breaches
Limit of Indemnity - \$100,000
(c) Legal Defense Expenses
Limit of Indemnity - \$50,000

POLICY NUMBER: LNG-STR-45727

PERIOD OF INSURANCE: 21 September 2014 to 21 September 2015 4pm Local Standard Time

INSURER: AAI Limited ABN 48 005 207 807 trading as Vero Insurance

This certificate has been arranged by us in our capacity as agents for the insurer/s named above. It does not reflect in detail the policy terms or conditions and merely provides a very brief summary of the insurance that is, to the best of our knowledge, in existence at the date we have issued this certificate. If you wish to obtain details of the policy terms, conditions, restrictions, exclusions or warranties, you must refer to the policy contract.

DISCLAIMER - In arranging this certificate, we do not guarantee that the insurance outlined will continue to remain in force for the period referred to as the policy may be cancelled or altered by either party to the contract at any time in accordance with the terms and conditions of the policy or in accordance with the terms of the "Insurance Contracts Act 1984". We accept no responsibility or liability to advise any party who may be relying on this certificate of such alteration or cancellation to the policy of insurance.

Longitude Insurance Pty Ltd

Agenda for SP52948 Annual General Meeting SP52948 did not disclose any details of insurance policy excesses in November 2015:

2. INSURANCES:

Motions

2.1 That the Owners Corporation confirm that the following insurance policies are effected:

Current Insurance Details

INSURANCE CO.	TYPE OF POLICY	POLICY NO.	COVER	DUE DATE
CHU/QBE INSURANCE LIMITED	Appeal Expenses	HU0014112	\$100,000.00	21/09/2016
CHU/QBE INSURANCE LIMITED	Building	HU0014112	\$115,500,000.00	21/09/2016
CHU/QBE INSURANCE LIMITED	Catastrophe Insurance	HU0014112	\$34,650,000.00	21/09/2016
CHU/QBE INSURANCE LIMITED	Contents	HU0014112	\$1,176,000.00	21/09/2016
CHU/QBE INSURANCE LIMITED	Fidelity Guarantee	HU0014112	\$250,000.00	21/09/2016
CHU/QBE INSURANCE LIMITED	Flood Cover	HU0014112	SELECTED	21/09/2016
CHU/QBE INSURANCE LIMITED	Government Audit Costs	HU0014112	\$25,000.00	21/09/2016
CHU/QBE INSURANCE LIMITED	Legal Defence Expenses	HU0014112	\$50,000.00	21/09/2016
CHU/QBE INSURANCE LIMITED	Loss of Rent	HU0014112	\$17,325,000.00	21/09/2016
CHU/QBE INSURANCE LIMITED	Lot Owners fixture/improvement	HU0014112	\$250,000.00	21/09/2016
CHU/QBE INSURANCE LIMITED	Office Bearers Liability	HU0014112	\$5,000,000.00	21/09/2016
CHU/QBE INSURANCE LIMITED	Other Risks	HU0014112	FL.FLOORS	21/09/2016
CHU/QBE INSURANCE LIMITED	Paint Benefit	HU0014112	SELECTED	21/09/2016
CHU/QBE INSURANCE LIMITED	Voluntary Workers	HU0014112	300000/3000	21/09/2016
CHU/QBE INSURANCE LIMITED	Public Liability	HU0014112	\$30,000,000.00	21/09/2016

2.2 That the Owners Corporation insurances (including those insurances referred to in Section 88(2) (Fidelity Guarantee & Office Bearers Liability) as listed in the Certificate of Insurance dated 14th September 2015 (attached) be confirmed and that the Managing Agent be authorized to renew the insurances for the Owners Corporation in compliance with all of the requirements of the Strata Schemes Management Act 1996 and the Financial Services Reform Act and to increase the building sum insured at renewal in accordance with a new valuation or where no valuation obtained in accordance with the approximate relevant annual change in the Building Cost Index.

2.3 That the Owners Corporation confirm that it does NOT employ workers with annual wages exceeding \$7,500 and therefore will not require workers compensation insurance for the coming year.



Policy No: HU0014112
Period of Insurance:
From: 21/09/15
To: 21/09/16 at 4.00 pm

The Insured & Situation:
The Owners - Strata Plan 52948 & 53855
1-15 FONTENOY ROAD
MACQUARIE PARK
NSW 2113

Certificate of Currency - Tax Invoice

Cover Selected	Sum Insured
POLICY 1 INSURED PROPERTY (Building) Loss of Rent/Temp Accommodation (15%) INSURED PROPERTY (Common Area Contents) Optional Paint Benefit	115,500,000 17,325,000 1,176,000 Selected
POLICY 2 PUBLIC OR LEGAL LIABILITY	30,000,000
POLICY 3 VOLUNTARY WORKERS	300,000/3,000
POLICY 4 WORKERS COMPENSATION (NSW, ACT, TAS & WA ONLY)	Not selected
POLICY 5 FIDELITY GUARANTEE	250,000
POLICY 6 OFFICE BEARER'S LEGAL LIABILITY	5,000,000
POLICY 7 MACHINERY BREAKDOWN	Not selected
POLICY 8 CATASTROPHE INSURANCE (Insured Property) Extended cover - Rent/Temp Accommodation (15%) Escalation in Cost of Temp Accommodation (5%) Cost of Storage and Evacuation (5%)	34,650,000 5,197,500 1,732,500 1,732,500
POLICY 9 Government Audit Costs Appeal expenses - common property health & safety breaches Legal Defence Expenses	25,000 100,000 50,000
POLICY 10 LOT OWNER'S FIXTURES AND IMPROVEMENTS (per lot) FLOOD	250,000 Selected

Date of Issue:
Issue Fee Incl GST:
Issue Fee GST:

This certificate confirms that on the date of issue noted above, a policy existed for the sums insured shown.

It is not intended to amend, extend, replace or override the policy terms and conditions contained in the actual policy document. This certificate is issued as a matter of information only and confers no rights on the certificate holder.

Agenda for SP52948 Annual General Meeting SP52948 disclosed details of insurance policy excesses in November 2016:

**NOTICE OF AN ANNUAL GENERAL MEETING
THE OWNERS - STRATA PLAN NO. 52948**



1-15 FONTENOY ROAD MACQUARIE PARK NSW 2113

Current Insurance Details

INSURANCE CO.	TYPE OF POLICY	POLICY NO.	COVER	DUE DATE
CHU/QBE COMMUNITYSURE	Appeal Expenses	HU0014112	\$100,000.00	21/09/2017
CHU/QBE COMMUNITYSURE	Building	HU0014112	\$121,275,000.00	21/09/2017
CHU/QBE COMMUNITYSURE	Catastrophe Insurance	HU0014112	\$36,382,500.00	21/09/2017
CHU/QBE COMMUNITYSURE	Contents	HU0014112	\$1,234,800.00	21/09/2017
CHU/QBE COMMUNITYSURE	Fidelity Guarantee	HU0014112	\$250,000.00	21/09/2017
CHU/QBE COMMUNITYSURE	Flood Cover	HU0014112	SELECTED	21/09/2017
CHU/QBE COMMUNITYSURE	Government Audit Costs	HU0014112	\$25,000.00	21/09/2017
CHU/QBE COMMUNITYSURE	Legal Defence Expenses	HU0014112	\$50,000.00	21/09/2017
CHU/QBE COMMUNITYSURE	Loss of Rent/Temp Accom	HU0014112	\$18,191,250.00	21/09/2017
CHU/QBE COMMUNITYSURE	Lot Owners fixture/improvement	HU0014112	\$250,000.00	21/09/2017
CHU/QBE COMMUNITYSURE	Office Bearers Liability	HU0014112	\$5,000,000.00	21/09/2017
CHU/QBE COMMUNITYSURE	Other Risks	HU0014112	FL.FLOORS	21/09/2017
CHU/QBE COMMUNITYSURE	Paint Benefit	HU0014112	SELECTED	21/09/2017
CHU/QBE COMMUNITYSURE	Voluntary Workers	HU0014112	300000/3000	21/09/2017
CHU/QBE COMMUNITYSURE	Public Liability	HU0014112	\$30,000,000.00	21/09/2017

Date on which the premiums were last paid: **21 September 2016**

- 2.2 That the insurances of the Owners Corporation be varied at the insurer's suggested values and/or as specified below:
- 2.3 That the insurances of the Owners Corporation be extended to include the following additional optional insurances not covered in the above table.
- 2.4 That the Owners Corporation confirm that it does NOT employ workers with annual wages exceeding \$7,500 and therefore will not require workers compensation insurance for the coming year.

Explanatory Note

*Schedule 2 Sections 3 and 28 of Act require that the agenda of the first AGM must consist of specific items only, one of which is to decide whether insurances taken out by the Owners Corporation should be **confirmed**, **varied** or **extended**. Some insurances are compulsory under the Act. In addition, Section 88 provides that an Owners Corporation may take out additional insurances including: **office bearers; fidelity guarantee; and any property in which it has an insurable interest.***

Agenda for SP52948 Annual General Meeting SP52948 did not disclose full details of insurance policy excesses in October 2017:

10 INSURANCES

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

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

- (a) Office Bearers Liability
- (b) Fidelity Guarantee
- (c) Any other insurance

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

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

Current Owners Corporation Insurance Details

Policy No.QUSS042715
 AIG Australia Ltd
 Type : Building
 Broker : Body Corporate Brokers

Premium : \$83,053.51 Paid on : 18/09/17 Start : 21/09/17 Next due : 21/09/18

Cover	Sum Insured	Excess
Building	\$128,289,000.00	\$0.00
Loss of Rent/Temp Accom	\$19,243,350.00	\$0.00
Contents	\$1,282,890.00	\$0.00
Lot Owners' Fixtures & Improvements	\$250,000.00	\$0.00
Catastrophe	\$38,486,700.00	\$0.00
Public Liability	\$50,000,000.00	\$0.00

Fidelity Guarantee	\$100,000.00	\$0.00
Personal Accident	200000/2000	\$0.00
Office Bearers Liability	\$10,000,000.00	\$0.00
Machinery Breakdown	\$200,000.00	\$0.00
Legal Expenses	\$100,000.00	\$0.00
Govt. Audit Costs	\$25,000.00	\$0.00

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

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

Agenda for SP52948 Annual General Meeting SP52948 did not disclose full details of insurance policy excesses in October 2018:

9 INSURANCES

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

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

(a) Office Bearers Liability

(b) Fidelity Guarantee

(c) Any other insurance

(c) That three quotations for all items of insurance required under the Strata Schemes Management Act 2015 are to be obtained and the function of accepting and executing an appropriate

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quotation is delegated to the strata managing agent on instruction of the strata committee.

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

Current Owners Corporation Insurance Details

Policy No. QUSS042715
AIG Australia Ltd
Type : Building
Broker : Body Corporate Brokers

Premium : \$89,520.33 Paid on : 28/08/2018 Start : 21/09/2018 Next due : 21/09/2019

Cover	Sum Insured	Excess
Building	\$134,703,450.00	\$0.00
Loss of Rent/Temp Accom	\$20,205,518.00	\$0.00
Contents	\$1,347,035.00	\$0.00
Lot Owners' Fixtures & Improvements	\$250,000.00	\$0.00
Catastrophe	\$40,411,035.00	\$0.00
Public Liability	\$50,000,000.00	\$0.00
Fidelity Guarantee	\$100,000.00	\$0.00
Personal Accident	200000/2000	\$0.00
Office Bearers Liability	\$10,000,000.00	\$0.00
Machinery Breakdown	\$200,000.00	\$0.00
Legal Expenses	\$100,000.00	\$0.00
Govt. Audit Costs	\$25,000.00	\$0.00

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

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

Agenda for SP52948 Annual General Meeting SP52948 did not disclose full details of insurance policy excesses in October 2019:

11 INSURANCES

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

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

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

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

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

Current Owners Corporation Insurance Details

Policy No. QUSS042715
 QUS Pty Ltd
 Type : Building
 Broker : Body Corporate Brokers

Premium : \$81,921.44 Paid on : 16/09/2019 Start : 21/09/2019 Next due : 21/09/2020

Cover	Sum Insured	Excess
Building	\$128,450,000.00	\$0.00
Loss of Rent/Temp Accom	\$19,267,500.00	\$0.00
Contents	\$1,284,500.00	\$0.00
Lot Owners' Fixtures & Improvements	\$250,000.00	\$0.00
Catastrophe	\$38,535,000.00	\$0.00
Public Liability	\$50,000,000.00	\$0.00
Fidelity Guarantee	\$100,000.00	\$0.00
Personal Accident	200,000/2,000	\$0.00
Office Bearers Liability	\$10,000,000.00	\$0.00
Machinery Breakdown	\$200,000.00	\$0.00
Legal Expenses	\$100,000.00	\$0.00
Govt. Audit Costs	\$50,000.00	\$0.00

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

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

Agenda for SP52948 Annual General Meeting SP52948 did not disclose full details of insurance policy excesses in October 2020:

12 INSURANCES

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

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

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

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

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

Current Owners Corporation Insurance Details

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

Premium : \$96,145.39 Paid on : 7/09/2020 Start : 21/09/2020 Next due : 21/09/2021

Cover	Sum Insured	Excess
Body Corporate Entity Insurance	\$129,734,500.00	\$0.00
Loss of Rent/Temp Accom	\$19,460,175.00	\$0.00
Catastrophe	\$38,920,350.00	\$0.00
Public Liability	\$50,000,000.00	\$0.00
Fidelity Guarantee	\$100,000.00	\$0.00
Office Bearers Liability	\$200,000.00	\$0.00
Personal Accident	200000/2000	\$0.00
Government Audit Costs	\$25,000.00	\$0.00
Legal Defence Expenses	\$50,000.00	\$0.00
Workplace, Health & Safety Breaches	\$100,000.00	\$0.00
Machinery Breakdown	\$100,000.00	\$0.00
Lot Owners' Fixtures & Improvements	\$250,000.00	\$0.00

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

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

Insurance Policy dated 4th of August 2020 was actually just a Certificate of Currency for FY 2020 (period from 21st of September 2019 to 21st of September 2020, which, on 1st of October 2020, was already expired and new policy for FY 2021 was not provided to owners and investors):



CERTIFICATE OF CURRENCY

This document certifies that the policy referred to below is currently intended to remain in force until 1600 hours on the expiry date shown below and will remain in force until that date, unless the policy is cancelled, lapsed, varied or otherwise altered in accordance with the relevant policy conditions or the provisions of the "Insurance Contracts Act, 1984".

Insured: Strata Plan 52948 & Strata Plan 53855
 Intermediary: Body Corporate Brokers Pty Ltd - NSW
 Named Party:
 Situation: 1-15 Fontenoy Road
 MACQUARIE PARK NSW 2113
 Period of Insurance: From 21/09/2019 to 21/09/2020
 Policy Number: QUSS042715

	SUM INSURED
Section 1	PROPERTY INSURED
Building(s)	\$128,450,000
Additional Benefits	
- Loss of Rent/Temp Accommodation	\$19,267,500
- Common Contents including Carpets	\$1,284,500
- Residential Lots/Units	\$250,000
Optional Additional Benefits	
- Lot Owners Fixtures and improvements in Commercial Lots/Units	\$0
- Catastrophe Cover	\$38,535,000
- Flood	\$128,450,000
Capacity	100.00%
Section 2	PROPERTY OWNERS LEGAL LIABILITY
	\$50,000,000
Section 3	FIDELITY GUARANTEE
	\$100,000
Section 4	VOLUNTARY WORKERS PERSONAL ACCIDENT
Capital Benefit	\$200,000
Weekly Benefit	\$2,000
Section 5	OFFICE BEARER'S LIABILITY
	\$10,000,000
Section 6	MACHINERY BREAKDOWN
Blanket cover	\$200,000
Section 7	LEGAL EXPENSES
	\$100,000
Section 8	AUDIT EXPENSES
	\$50,000

To be valid, this Certificate of Currency must be signed by an authorised officer or agent of the Insurer.

Signed on the 4 August, 2020

C. J. Hardyson

Issued on behalf of the Insurer:

AIG Australia Limited Level 19, 2 Park Street, Sydney NSW 2000 ABN 93 004 727 753 (AFS Licence No. 381686)
 by:

QUS PTY LTD ABN 92 122 665 310 (AFS Licence No. 321877) is an underwriting intermediary acting on behalf of the Insurer.

State Offices:

New South Wales:
 L26, 44 Market St,
 Sydney NSW 2000
 T 02 8999 3095
 E nsw@qus.com.au

Queensland:
 Suite 2, L17, 215 Adelaide St,
 Brisbane QLD 4000
 T 07 3177 2021
 E qld@qus.com.au

Victoria:
 L2, Riverside Quay, 1 Southbank Blvd,
 Southbank VIC 3006
 T 03 9012 6657
 E vic@qus.com.au

Western Australia:
 L28, AMP Tower, 140 St Georges Tce,
 Perth WA 6000
 T 08 6366 0262
 E wa@qus.com.au

15 Smoking in the complex continue to be a serious fire safety risk – Block D garden beds

Smoking is still a major concern for fire safety.

Example of cigarette butt litter on 24th of November 2014:



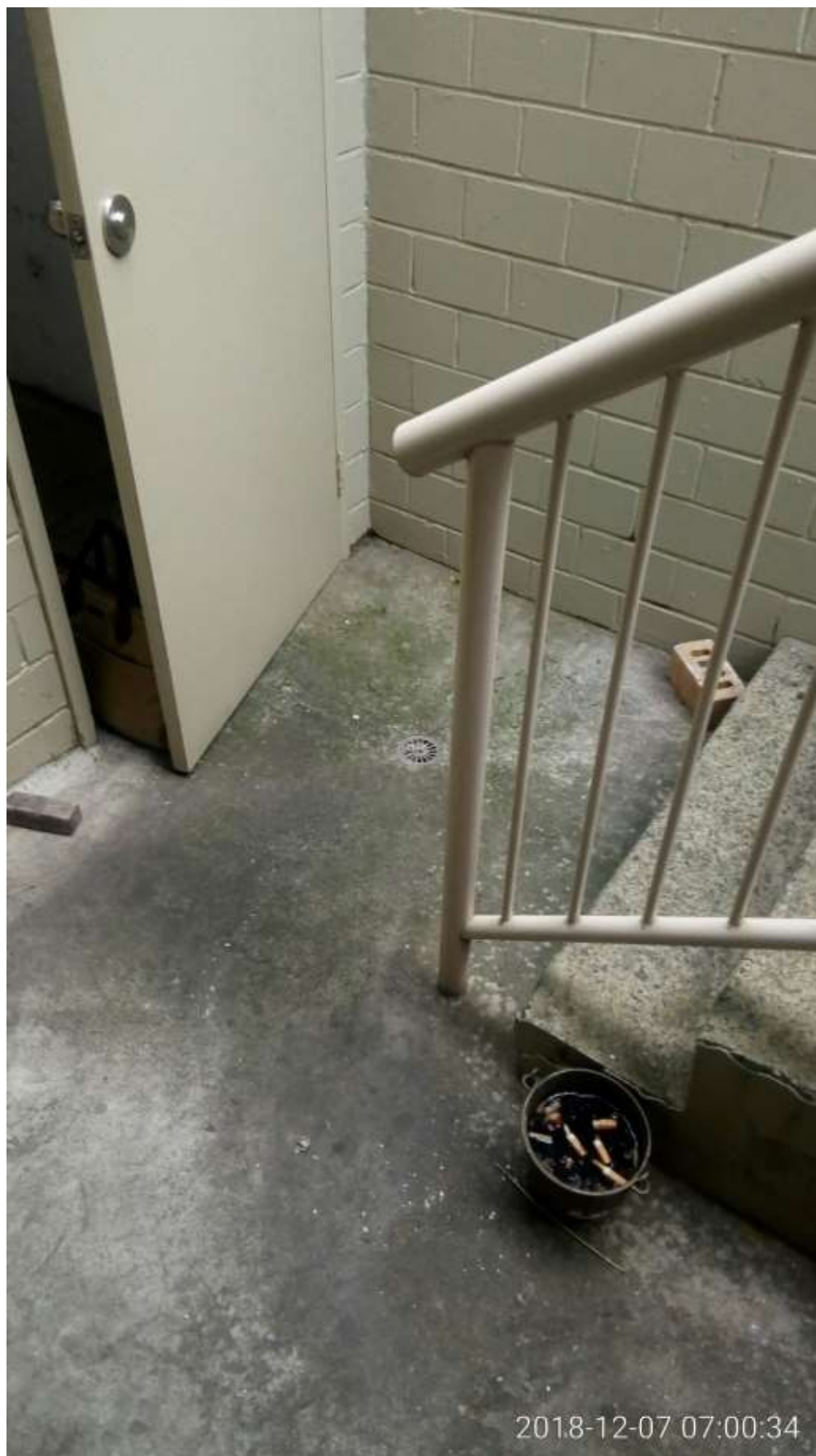
Examples of smoking near fire door 2 below Block A in June and July 2018:



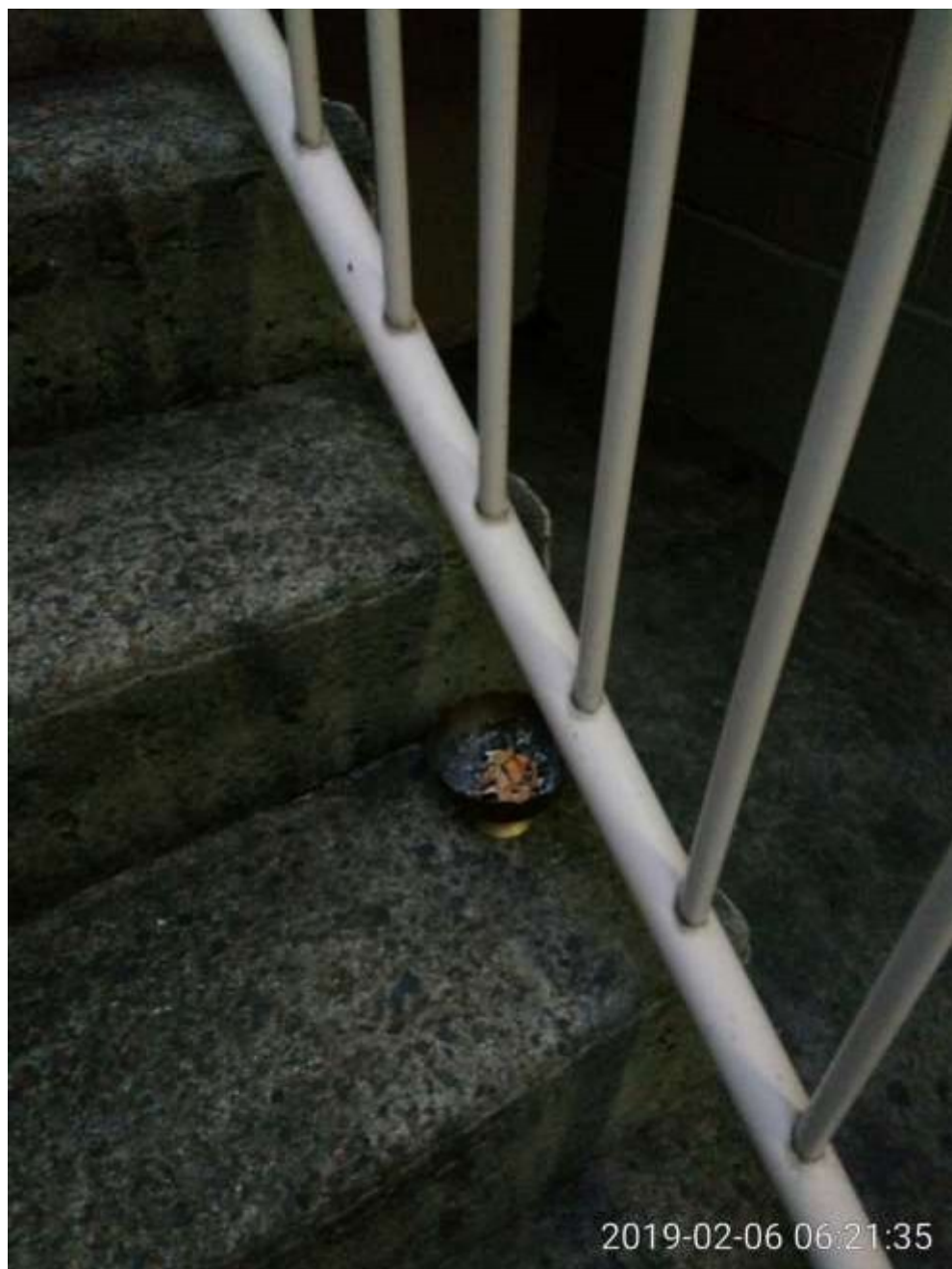
Example of smoking near fire door 2 below Block A in November 2018:



Example of smoking and keeping fire door 2 below Block A open in December 2018:



Example of ashtray for smoking left of fire stairs near fire door 2 below Block A in February 2019L



Example of hiding cigarette butts near louvres behind fire door 2 below Block A in February 2019:



Example of hiding cigarette butts near louvres behind fire door 2 below Block A in May 2019:



Fire door 2 below Block A was kept open in non-compliance with fire safety regulations almost every day for many months in 2018/2019 and smoking allowed. Example of what one day of smoking created between dates of 17th and 18th of January 2019:



Numerous complaints to strata managers failed to protect owners and tenants. Last time, Lot 158 sent email to strata managers on 26th of April 2021. No response received.

Garden area near Block D, flooded with cigarette butts and not cleaned. Apart from obvious pollution to the nature, dry leaves and branches can easily start the unintentional fire as well.



16 Smoking in the complex continue to be a serious fire safety risk – Block D garden pathway where lot of dry barks and leaves cover the grounds



Photo taken on 16th of July 2021 prove the same problem is still in existence:





17 BBQ area below sink high fire safety risks for four years

For the last four years, ever since alleged major upgrades in the complex, the BBQ area has been repeatedly repainted, repaired, and allegedly "maintained with high quality of services without evidence of warranties". This was reported numerous times.

- a) Walls damaged by long-term water penetration and leaks,
- b) Piece of PVC pipe protruding through the wall,
- c) Rusted hoses,
- d) Rusted pipes,
- e) Potential for electrical hazards because water leakages and wall damages appear to be close to wall socket,
- f) Dry leaves could create fire hazard,
- g) Water wastage?







18 Electrical wires on ceiling for one down-light in Block D foyer for more than one year

Reported to strata managers repeatedly, Still an unresolved issue.

Not only down-light is not operational but potentially live wires are protruding from the ceiling.





19 Electrical wires on ceiling in basement of Block A foyer for more than two years

Photo taken on 11th of July 2021:



20 Down-lights not-operational in foyers of all four buildings for at least one year

a) Block A, none of eight down-lights operational



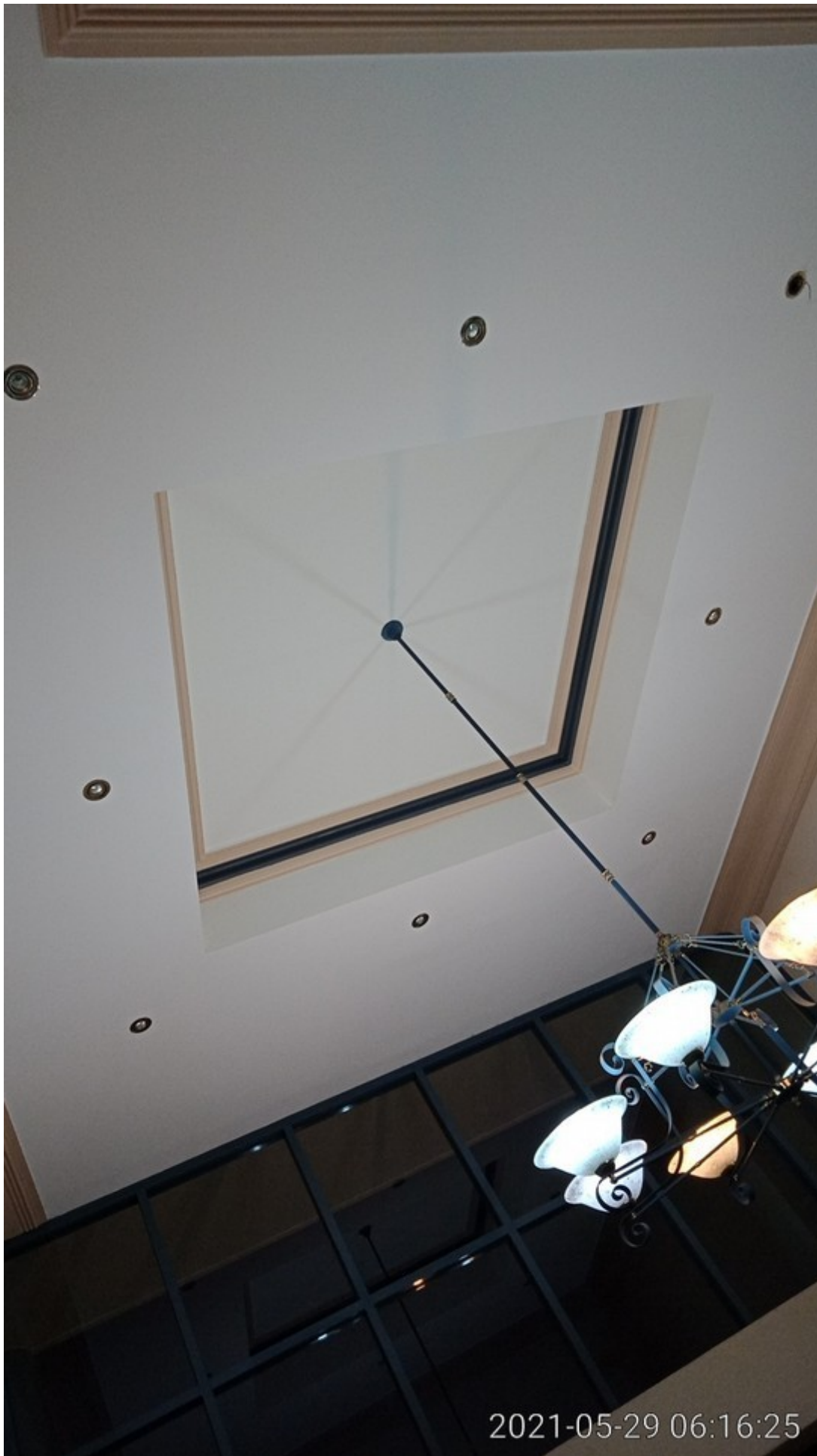
b) Block B, none of eight down-lights operational



c) Block C, none of eight down-lights operational



d) Block D, none of eight down-lights operational



21 Non-uniform and missing signage on fire doors on ground floor of four buildings

a) Block A, with notice about thoroughfare and exit



b) Block B, without signage for thoroughfare and keeping the door open



2021-06-02 15:59:58

c) Block C, without notice for thoroughfare



d) Block D, without signage for thoroughfare and exit



22 Damaged lock mechanism on fire door for two years – Block C ground floor



23 Appearance of pathway outside Block C fire door – slippery and mouldy for 14 months



24 Rusted frame of fire door for six years – Block A basement



25 Rusted frame of fire door for six years – Block D basement





26 Waratah Strata Management instruction to delay AFSS work for three months on 25 June 2020

https://www.lookatmystrata.com.au/187035/maintenance/jobDetails/7837?isQuote= 67%

WARATAH

Strata Management

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OWNERS CORPORATION PORTFOLIO REPORTS MEETINGS DOCUMENTS MAINTENANCE

← Back

Job Details

Strata Plan 52948

Job Description

Quote accepted for fire services - FlameSafe Hi Your proposal to provide Inspection and Testing of Fire Safety Measures services to this property has been accepted as per your quoted price \$9,490.00 plus GST (Ref#: I20-207) Please be advised that this service is to commence from 20 September 2020. Thanks Frank

Tradesperson

Name	FlameSafe Fire Protection Pty Limited
Amount Quoted	-
Total Amount Invoiced	-

Invoices

No invoices to display.

Work Order

Sent

Job Number

7834

Manager



Robert Crosbie

Reported By

Created

25/06/2020

27 An example of ignored request by BCS Strata Management to resolve long-standing fire and OH safety issues on 16 October 2014

From [redacted] 
Subject **REQUEST FOR IMMEDIATE ACTION SP52948 Work Health and Fire Safety Reports 16Oct2014** 16/10/14, 10:01 pm
To Russell Young <[redacted]> 

Hello,

It is apparent that the BCS (previously Raine & Horne Strata Sydney) and the Executive Committee take their responsibility in regards to OH & S and Fire Safety too lightly.

This is the third year now that almost identical issues come up in Fire Safety reports.

Apart from getting quotes from suppliers, full action was never followed up.

At the AGM 2014, you must provide full report on:

* OH & S issues

* Comprehensive elevator repairs and/or upgrades (as reported in professionally prepared documents by Napier & Blakeley in July 2012 and ThyssenKrupp in December 2013). The summary provided in short report by Vertical Transport Services in February 2014 is incomplete, superficial, and inconclusive. Many of the faults found in Napier & Blakeley's report are still outstanding.

* Fire Safety issues

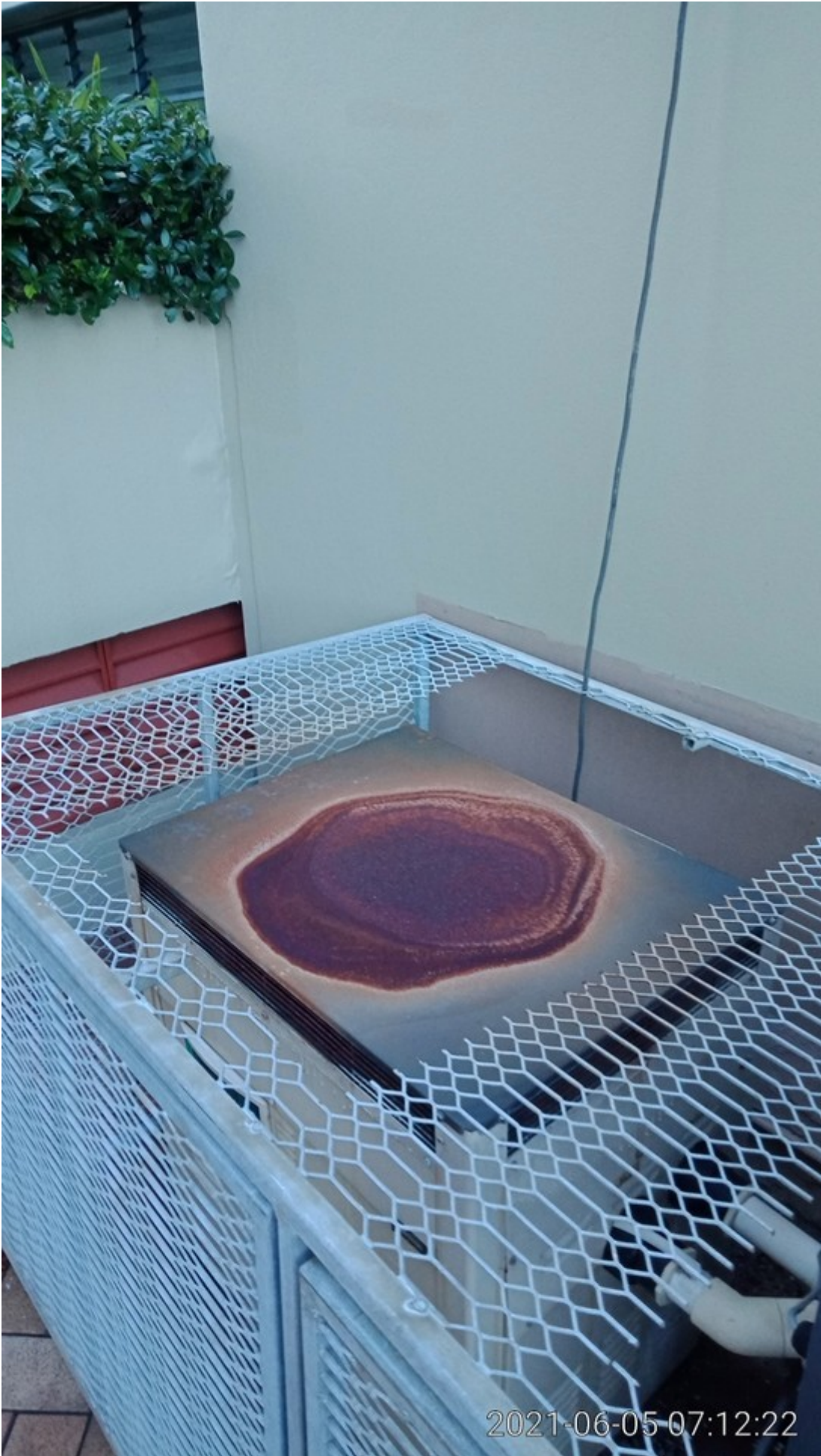
Under the Work Health and Safety Act 2011, the maximum fines for non-compliance are severe and exhaustive. There are certain penalties that range up to \$3 million for owners corporation found guilty, \$600,000 for individuals such as committee members/owners or in some instances jail terms.

Whilst these are the maximum fines under the proposed laws, the non compliance by owners corporation of even the simplest issue may result in fines and/or claims against it.

28 Unanchored metal mesh frame on swimming pool plant and unprotected hot surface close to power cable for four years

Metal frame not anchored to the wall, protruding and rusted bolts on unpainted swimming pool wall, hot and rusted surface not protected from weather elements and children who often play in the area, power cord located very close to hot surface which can create electrical hazard.









2021-06-05 07:11:46



29 Three incidents with sun-room window frames blown away by winds and still outstanding tasks to eliminate the risks

- First time it occurred around 1998, just three 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.

From: John Fry [mailto:johnf@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 & Horne Strata-Sydney
53 Beecroft Road Epping NSW 2121

- Second time the event occurred on 5th of September 2010 and was not repaired until mid-2011: Lot 82 windows sucked out. Minutes of committee meetings confirm that no owner received information about it: SP52948-EC-Minutes-16Feb2011, SP52948-EC-Minutes-13Apr2011, SP52948-EC-Minutes-20Jul2011.

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.

SP52948 made claim in amount of \$9,190.50 but insurance covered only \$6,355.00.

- Third time it happened on 29th of November 2020 for Lot 190.









SP52948 has been extremely lucky that female tenant of Lot 190 let go off sunroom frame before it was blown in front of the building. She tried to hold onto it but was too weak to prevent the disaster. Otherwise, we would have had major or even fatal incident.

Statement from Lot 190 tenants - the female owners was extremely distressed by the whole event. And they had two other complaints were receive from them:

(1) Due to poor ventilation in bathrooms (reported by various owners number of times and still not resolved in Block A) , the smell of food and other foul smells was plaguing them inside the unit.

(2) Wall cracks, especially one in the bedroom.

They were not even aware of the frequent water-related repairs that most units on top floor of Block A continuously have.

Waratah Strata Management was requested to provide full professional incident report which includes root cause analysis – no response or outcome of any professional report were ever published.

Waratah Strata Management web portal status in July 2021 shows that the works on inspections of sunrooms is still outstanding:

The screenshot shows the Waratah Strata Management web portal. The header features the company logo and navigation links. The main content area displays a table of work orders for Strata Plan 52948. The table has four columns: Date, Status, Job Summary, and No. The work orders listed are:

Date	Status	Job Summary	No
28/05/2021	Sent	Replace RFP batteries	9988
03/12/2020	Sent	Lot 158 Sunroom Leak	8888
01/12/2020	Sent	Inspect A & B Block sun room window frames	8869
01/12/2020	Sent	Inspect C & D Block sun room window frames.	8870
09/07/2020	Sent	Smoke detector for Unit 14B - Eagle Fire	7939
25/06/2020	Sent	Quote accepted for fire services - Flame Safe	7834
04/08/2017	Sent	Replace conduit brackets	4026
05/06/2017	Sent	Repair planter boxes	3758
12/05/2017	Sent	TH's 194-198 - Replace damaged gutters	3672
08/03/2017	Sent	TH214 - Repair sliding door leak	3401

Breaking of glass windows and frames during strong winds is mainly due to the following three reasons:

- (1) impact on the windows by hard windborne debris;
- (2) the pressure exerted by winds (i.e. wind loading) directly on the windward side of the building exceeds what the glass window can withstand;
- (3) high winds blow across buildings leading to a difference in air pressure between indoor and outdoor and the glass window cannot withstand the induced force (Bernoulli's principle). The Bernoulli's principle is derived from the law of conservation of energy (the sum of kinetic energy, potential energy and internal energy must be kept constant). The simple interpretation is: when a fluid (in this instance air) increases in speed of motion and its height remains the same, its pressure will decrease.

Waratah Strata Management was requested to provide full details of all OH&S professional reports from July 2012 onward when Napier & Blakeley were commissioned to review the status at cost above \$12,000.00, and especially since Lot 158 Motion 25 for Special By-Law was approved at AGM 2016 (49 votes YES and 11 votes NO) and should have been registered with Department of Land. It is recommended to have process of regular property inspections. The aim of these inspections would be to identify and

prioritize any site-specific factors that might affect building performance in future severe storm events. Works carried out would make the building more resilient and safer.

The sunroom frame fell sideways along Block A 5-6 meters away, and it was an extreme luck that no children were injured or killed as they played in and near the BBQ area at the time. Waratah Strata Management was requested to provide details if any owner or tenant lodged complaint about this event. Video evidence shows how dangerous the whole incident was. No response was ever received from Waratah Strata Management.

Waratah Strata Management was requested to provide details of insurance claims for this event, and also all insurance claims (included the ones that were rejected by the insurance providers) for the last seven years. No response was ever received from Waratah Strata Management. Providing an insurer with evidence that an independent inspection has been conducted and actions taken will demonstrate a reduction in risk and a corresponding reduction in premiums and excess (SP52948 has \$10,000.00 excess for each and every water-related claim and owners are prevented from having such information). If significant defects of a part of the structure are found then a grace period of continued insurance should apply while rectification works are undertaken.

Waratah Strata Management was requested to provide full evidence of alleged comprehensive upgrades in 2017 and window child safety devices in 2018, and that they included professional assessment of improved safety in the complex and warranties that accompany them.

On 28 June 2017, at 19:28, Lot 158 made the following report and forced Palmersglass to rectify gaps between window frames and walls, BUT this was not done for other units throughout the complex. Lot 158 had significant engineering knowledge to realize that such remediation work was critical (Waratah Strata Management ignored that advice for other units):

Now that the windows in three bedrooms are repaired, there are two outstanding tasks to be completed:

1. As Palmersglass staff lifted the window frames from their original position, there are gaps under the frames from the outside.

In two bedrooms they are very obvious in some areas, so much so that when painters used water gun spraying to clean external walls today, some water entered into the bedrooms.

Please organise the waterproofing (sealing) under the window frames as soon as practicable. I am not sure if painters can do it, or somebody else?

30 Example of fire exit lights out of order for almost two months in late July 2021

Fire exit, ground floor behind Block C, light out of order since 31 May 2021. Photo taken on 22 June 2021:





Photo taken on 21st of July 2021:



31 Non-uniform display of fire safety signage

Starta managers were repeatedly asked to confirm if the following is valid and if so, why various fire doors in SP52948 have very different or missing signage – no reply was ever received:

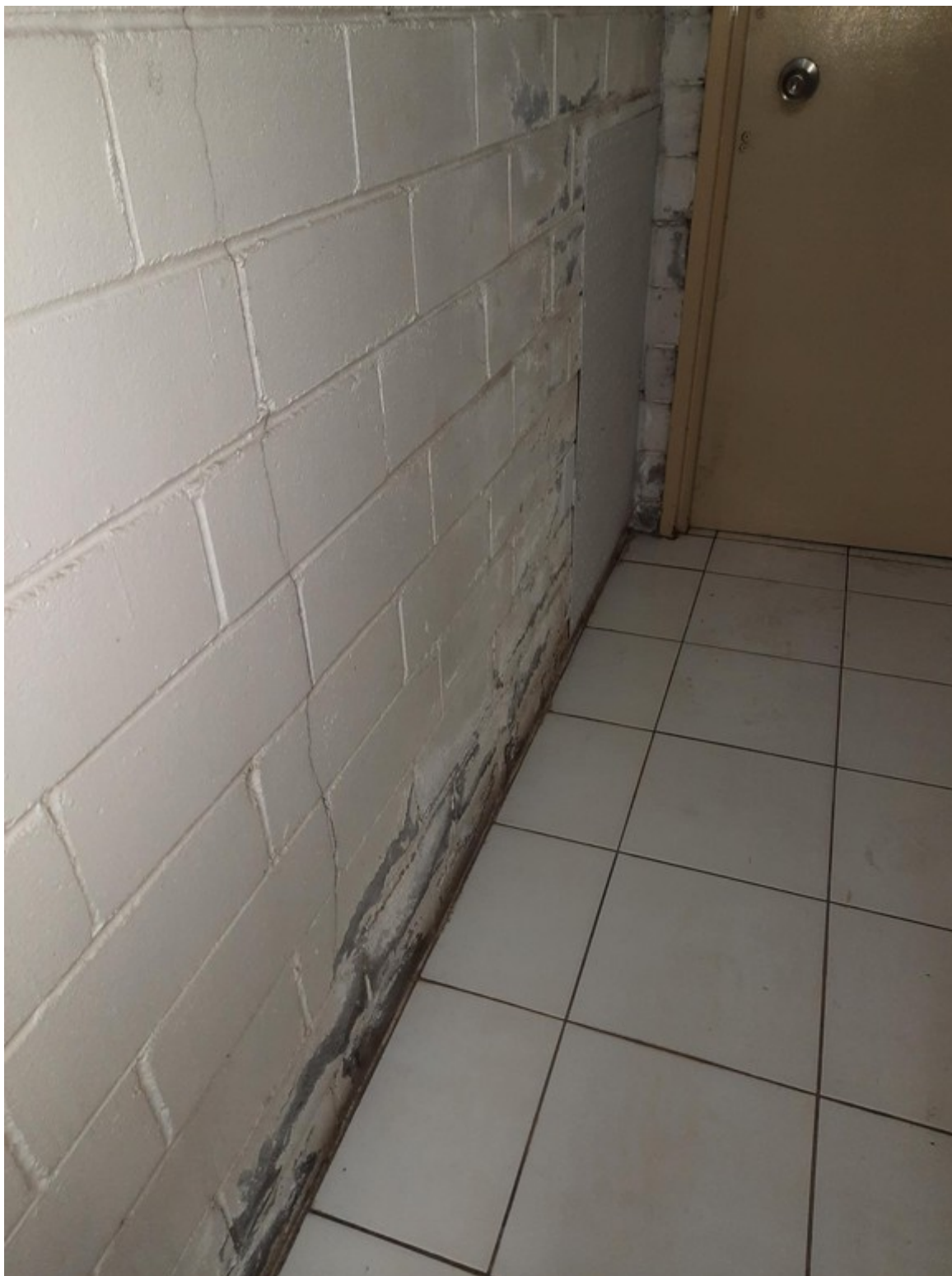
In NSW all fire doors must permanently display the sign (Fire Safety Door / Do Not Obstruct / Do Not Keep Open) and display sign outlining the ‘Offences Relating to Fire Exits’:



The ‘Offences Relating to Fire Exits’ sign must be displayed at all times, either on the door itself or adjacent to the door (for example, on the wall). It should be located:

- On the “approach” side of all doors leading to a fire escape or fire stair, regardless of where in the building the door is located,
- On both sides of all doors between individual fire compartments where the doors must be kept closed at all times.

32 Example of water leak damages near fire door exit in Block C ground floor in June 2021









33 Example of garden bed collapse risk near Block D in July 2021

Problem exists since 2013:



In July 2021, still a problem:



34 Examples of garden bed problems covered with wooden planks or metal plates, instead of being repaired

Instead of repairing the concrete cancer and cracks, simply cover it by piece of wood:

Initial status:



After installation of wooden plank:



Metal plates, which not only hide status of the concrete behind them but also create safety risks due to sharp edges in areas where children play every day:



























35 Injury hazard with garden bed walls and sharp edges with protruding plastic and metal pieces in areas where children play every day











36 Appearance of garden bed walls near tennis courts after rain











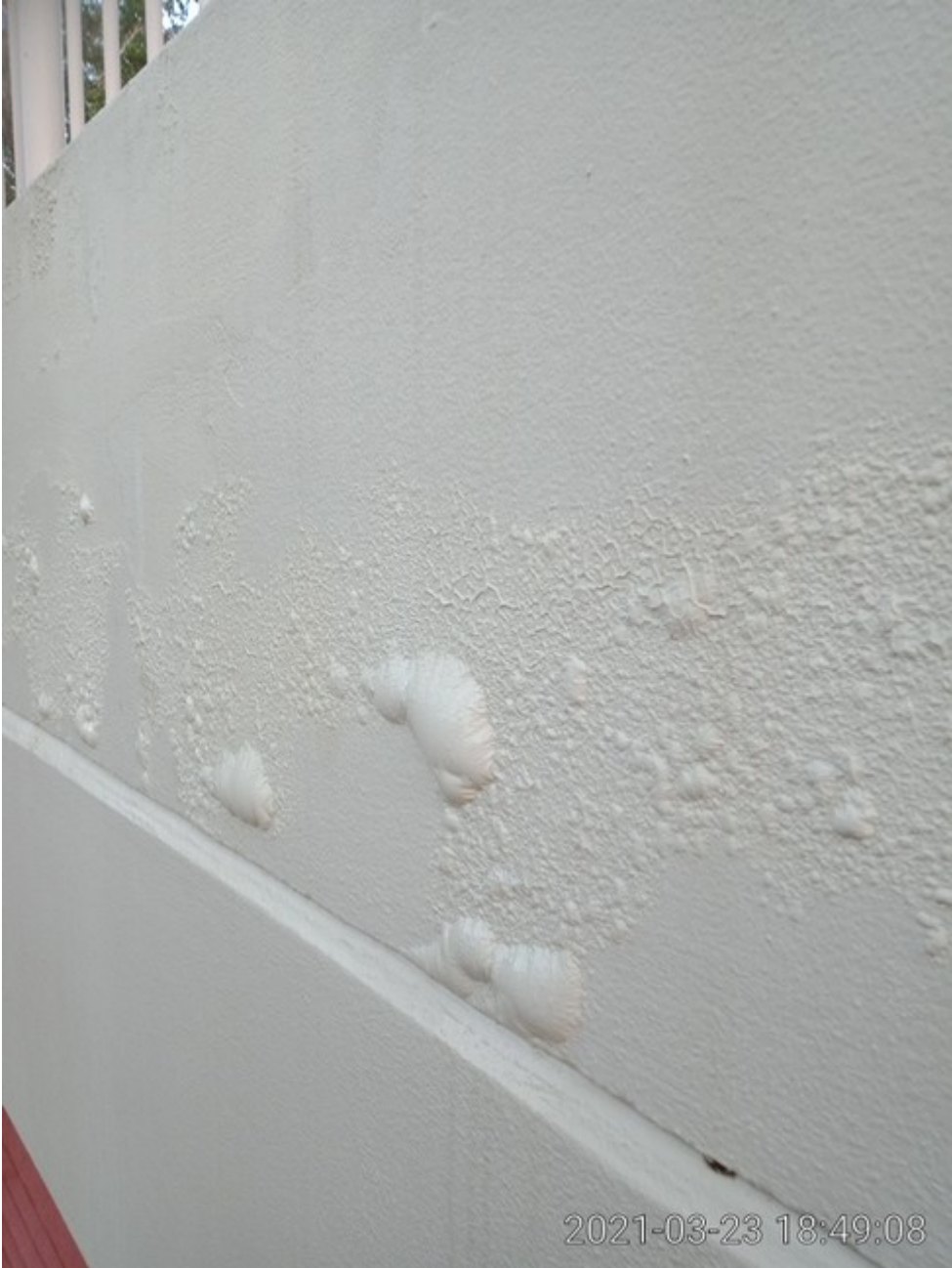








2021-03-23 18:48:57



38 Wooden railings disappeared behind townhouses due to rot and not repaired since 2014

Most of railings started collapsing since 2015. Attempts to reason with strata managers to repair common property failed.









In 2021, walking in sloping site behind townhouses is quote risky, especially work workers.





2021-04-15 15:01:47











2021-04-15 15:03:21





39 Example of water leak damages in Block C level 6 in June 2021

Request to properly repair the hole, open since 2019:



Instead of repair, the hole is simply covered:



40 Townhouse colorbond fence not repaired for more than six years

Photos taken on 15 July 2021:





Secret email between Waratah Strata Management and the owners corporation confirmed the reason why repair was not done (because "owner was not complaining"):

Confirming the following for your records:

- a) Wood railing will be removed.
- b) Colourbond fence was inspected. Slightly leaning but not loose. Spoke to [REDACTED] and we are leaving this at present. We have received no complaints from Townhouses regarding this.
- c) Light pole ground has been scheduled to be re-soiled and compacted.
- d) Confirming tree was previously removed. There is nothing we can do regarding the slope of the land.
- e) Not sure about painting project 2017?
- e) should be f) Metal fence slightly leaning to one side. Confirming we will straighten fence.

41 Long-term water leak damages under roof in Block B

Photo taken on 25 July 2021:



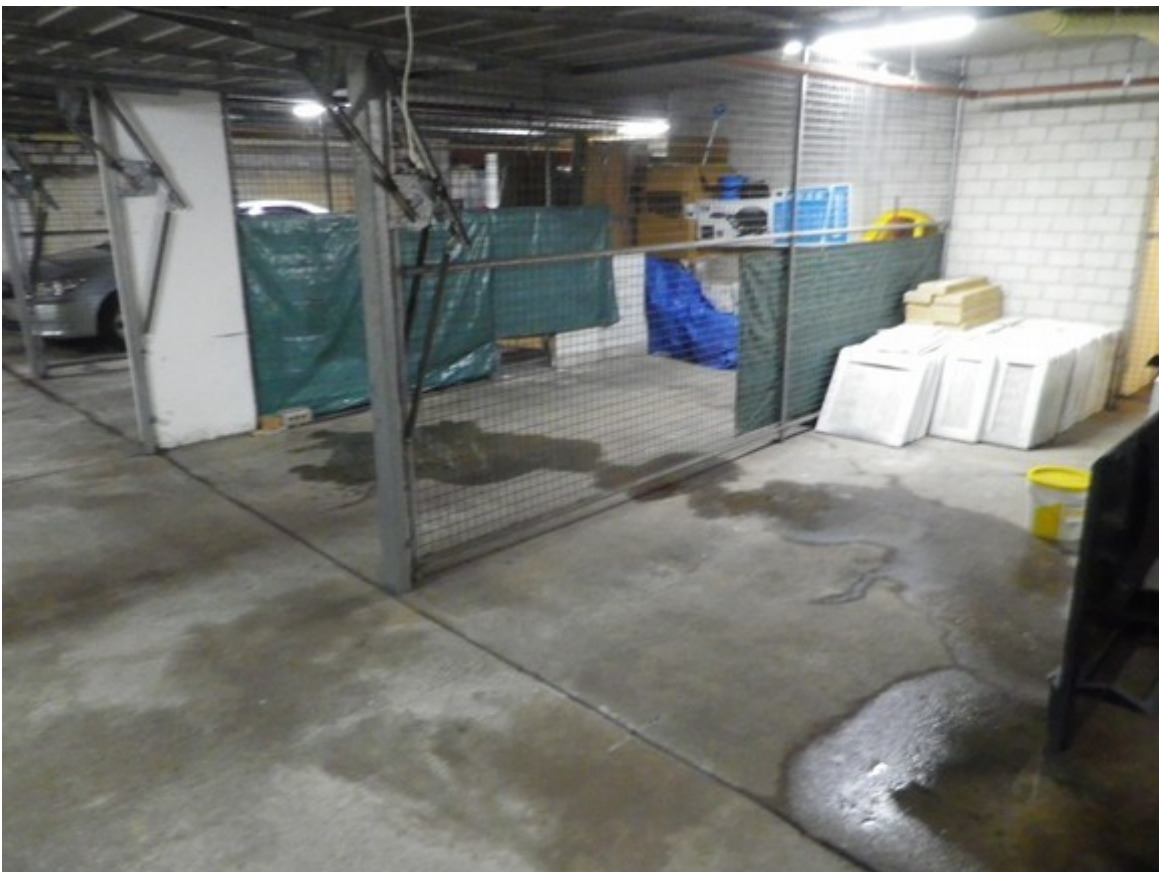
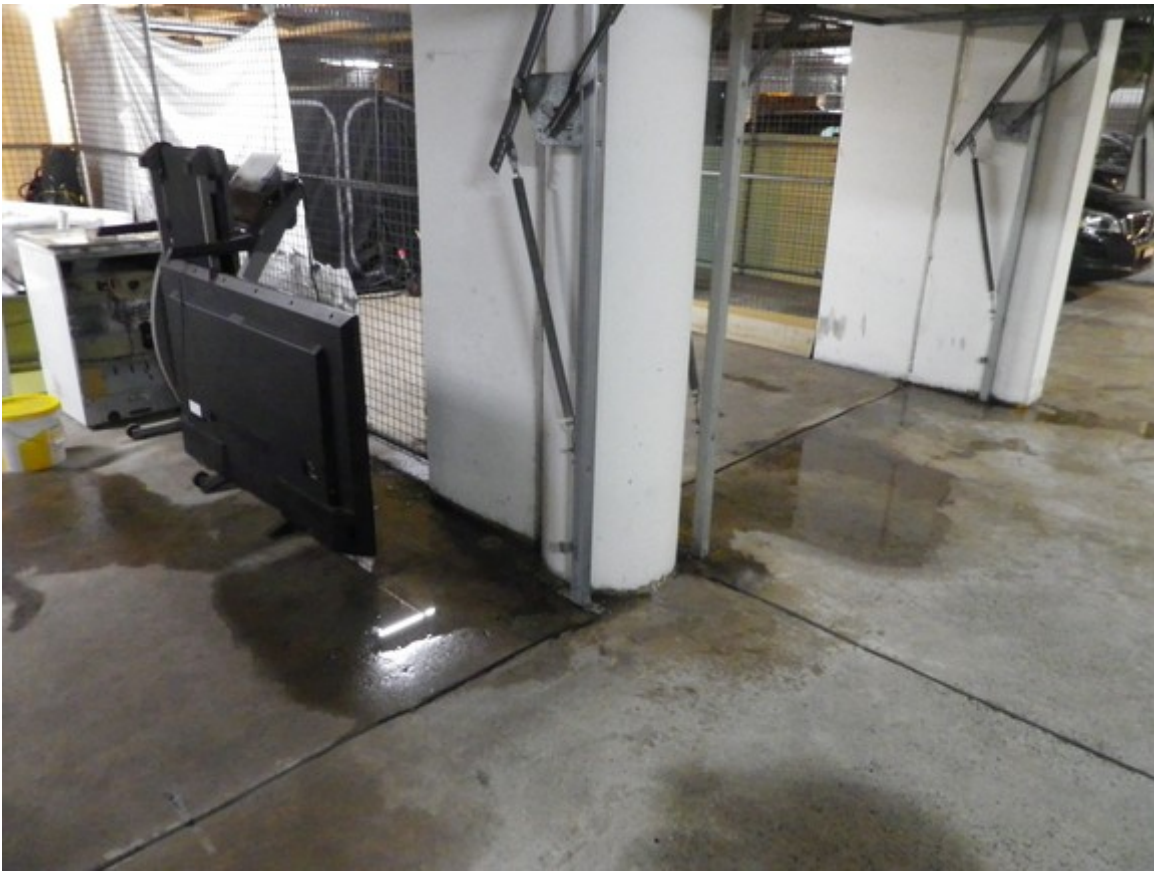


25/07/2021 14:50:28

42 Long-term water leaks and health risks in basement of four buildings



2021-06-21 20:32:10







43 Louvres in basement







44 Used paper napkin not cleaned from fire stairs in Block A for 10 months (since 24 September 2020)

Reported to Waratah Strata Management on:

20 December 2020

2 February 2021

21 March 2021

Special emphasis was on Covid-19 requirement for cleaning, but no response ever received.

Photo last taken on 26 July 2021:



45 Under-roof area of Block C not cleaned for eight years, reported as OH&S risk in Napier & Blakely's professional report in July 2012









18/07/2021 15:16:00



46 Continuous problems with elevators, reported as OH&S risk in Napier & Blakely's professional report in July 2012

Owners were not allowed to have full access to the following professional building and plant reports related to elevators:

- Napier & Blakeley in July 2012. Total cost of the report (GST inclusive) was \$12,144.00. They warned about roof status and many other problems in the complex. This report was not disclosed to CTTT and Fair Trading NSW,
- ThyssenKrupp Elevators report on elevators in December 2013,
- Vertical Transport Management Services report on elevators in February 2014. Total cost of the report (GST inclusive) was \$1,430.00,
- Elevator assessment by Thompson Elevator Consultancy Services in March 2017.

Even when just counting period since 25 December 2018, 31 reports from problems were reported to Waratah Strata Management by Lot 158. No response was ever received.

In previous years, we had number of incidents with passengers being locked in elevators and that information was hidden from owners.

30 July 2014:

ThyssenKrupp Elevator SERVICE REPORT				
Building: <u>Macquarie Gardens</u>		Job No: <u>2031857</u>	Date: <u>30/7/14</u>	
Mechanics: 1: <u>Charley</u>		2: _____	Lift <input type="checkbox"/> Esc/Path <input type="checkbox"/> Other _____	
<input checked="" type="checkbox"/> Mandatory Risk Assessment				
Hazard	RR	Controls	Tick	NR
Working at Height		RCD		
Electrocution	<u>2</u>	Fire Extinguisher / Fire Blanket		<u>4</u>
Engaged Equipment, Plant, Services		Lock Out Tagout	<u>-</u>	
Manual Handling		SWP / Scaffold		
Entanglement		Fall Arrest/PPE		
Slip / Trip / Fall		Mechanical Lifting / 2 Man Lift / Breakdown Load		
Hazardous Substances		MSDS / Spill Kits		
Poor Housekeeping		Isolation, Barricades, Signage		
Crushing		Remove all Waste, and Trip Hazards		
Pinch Points		Insulation of Tools & Equipment		
		Lead Hooks, Lead Stands		
<input type="checkbox"/> Maintenance Record				
Every Visit: 1. Contact Customer <input type="checkbox"/> 2. Ride Quality <input type="checkbox"/> 3. Regular Checks <input type="checkbox"/> 4. Emergency Telephone <input type="checkbox"/>			Maintenance Entered (Office):	
Maintenance Program Tasks: Time In: _____ AM PM Time Out: _____ AM PM				
Description	Task Group =	Unit Number		
<input checked="" type="checkbox"/> Call Out Report				
Fault Reported: <u>SWP</u>		Unit No: <u>3</u>		
Repair: <input type="checkbox"/>	On Site Call: <input type="checkbox"/>	A/Hour Call: <input type="checkbox"/>	Charge: <input type="checkbox"/>	Group Fault: <input type="checkbox"/>
Follow Up: <input type="checkbox"/>	SWP: <input type="checkbox"/>	SWP on arrival: <input type="checkbox"/>	R.O.A.: <input type="checkbox"/>	Interference: <input type="checkbox"/>
Shut Down: <input type="checkbox"/>	Travel Time: <u>10:20</u>	<input checked="" type="checkbox"/>		
Time In: <u>10:40</u>	SWP Released: <u>10:45</u>	Time In Service: _____	Time Out: <u>12:46</u>	<input type="checkbox"/>
Action Report: <u>Released passenger. Lift stopped with open flight time error. Diagnostic tool required to reset controller. Shut down.</u>				

22 November 2014:

ThyssenKrupp Elevator SERVICE REPORT

Building: Mac Cadden NHL Ryde Job No: 1857 Date: 22/11/14

Mechanics: 1: Mick Morris 2: _____ Lift Esc/Path Other _____

Mandatory Risk Assessment

Hazard	RR	Controls	Tick	NR
Working at Height		RCD		
Electrocution		Fire Extinguisher / Fire Blanket		
Energised Equipment, Plant, Services		Lock Out Tagout		
Manual Handling	<u>2</u>	EWP / Scaffold		
Entanglement		Fall Arrest/PPE	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Slip / Trip / Fall		Mechanical Lifting / 2 Man Lift / Breakdown Load		
Hazardous Substances		MSDS / Spill Kits		
Poor Housekeeping		Isolation, Barricades, Signage		
Crushing		Remove all Waste, and Trip Hazards		
Pinch Points		Insulation of Tools & Equipment		
		Lead Hooks, Lead Stands		

Maintenance Record

Every Visit: 1. Contact Customer 2. Ride Quality 3. Regular Checks 4. Emergency Telephone Maintenance Entered (Office): _____

Maintenance Program Tasks: Time In: _____ AM PM Time Out: _____ AM PM

Description	Task Group =	Unit Number
<u>called site contact 0412 152948 re-one insured</u>		

Call Out Report

Fault Reported: Intermittently failing assembler Unit No: 2

Latest issue: problems with elevator in Block C on 18 July 2021.

Lot 158 owner entered elevator of Block C in basement at around 15:19 hours on 18 July 2021. They were alone in the elevator.

Three levels were pressed: 3, 4, and 7 (to check fire exit lights).

As designed and expected, elevator stopped on level 3, fire exit light was quickly checked without leaving the elevator car, and then elevator stopped on level 4. Again, Lot 158 quickly checked fire exit lights without leaving the elevator car.

Instead of going up to level 7, whilst the light for level 7 was still illuminated on the control panel, the elevator went down to level 2, where an elderly couple (a female accompanying and a male in a wheelchair) wanted to go downstairs.

Lot 158 explained that they were actually going up and that it would be best for them to wait for the levator to return. The couple accepted.

In spite of light for level 7 still illuminated on the control panel, the elevator continued trip down to basement. At that point, Lot 62 owner wanted to embark. Lot 158 kindly but firmly asked that Lot 62 wait for the next opportunity as per Covid-19 recommendations. Lot 62 kept on saying that notice board stated two people can be in the elevator, and Lot 158 responded that the note actually said "up to two people" and Lot 158 did not feel comfortable letting Lot 62 enter the elevator.

Lot 158 continued with trip up, but instead of going to level 7, it again stopped on level 2 for couple who actually wanted to go down. By that time, Lot 158 decided to exit the elevator and allow older couple to use it for trip down.

47 Leaning colorbond fence in courtyard of Lot 147 not repaired for seven months

Reported to Waratah Strata Management on:

9 January 2021

26 March 2021

No response was received.

As of late July 2021, it looks as this:



48 Inquiry about cleaning schedule for swimming pool and Covid-19 unanswered since 24 March 2020

Email sent to Waratah Strata Management:

a) Owners corporation put on notice boards personal opinion (backed by a comment from Dr. Norman Swan, Scottish Australian physician, journalist and broadcaster) about safety of swimming pool in regards to Covid-19 (attachment "SP52948-owners-corporation-providing-personal-opinion-to-owners-on-notice-boards-about-swimming-pools-and-covid-19-risks-without-medical-background-23Mar2020.jpg").

It is very dangerous to provide such advice without strong evidence:

- *World Health Organization (WHO) recommends level of 15mg.min/liter of chlorination in the pools. It said it is enough to kill all enveloped and non-enveloped viruses in the swimming pool.*
- *Who is assigned duty to keep the register of DAILY levels of chlorination in our pool? Where is such register displayed? How does owners corporation monitor it?*
- *Before dipping in the pool proper personal hygiene is required, especially when everyone is at risk from just touching various surfaces like the changing benches, doors, and handles. How does owners corporation monitor it?*
- *Swimmers should be reminded to regularly shower before and after swimming in the pool and never forget to disinfect their hands after touching door handles in the area. How does owners corporation monitor it?*
- *Handwashing is also critical. Properly and thoroughly washing hands for at least 20 seconds with soap and water. How does owners corporation monitor it?*
- *Experts also highly advise the public to wash and maintain clean swimming kits and towels by using at least a high 60-degree wash to kill any bacteria or bugs. How does owners corporation monitor it?*
- *Until recently, swimming lessons with visitors outside of complex were silently allowed. How does owners corporation monitor it?*

b) *Lot 158 quietly monitors cleanliness of common areas in the complex. One example is just seven meters away from the building manager's office, and about three meters away from two committee members. Three photos from 21, 22, and 24 March 2020 show that dirty paper napkin has not been removed for four days so far.*

c) *Attachment "SP52948-dirty-railing-near-Block-A-and-townhouses-not-cleaned-for-three-days.jpg" shows railing between Block A and townhouses not been cleaned for three days so far.*

Please, take safety seriously.

49 Unsafe light post behind townhouse near car wash area

Photo taken on 16 July 2021:



Photo taken on 22 July 2021:



Photo taken on 26 July 2021:



50 Electrical hazard due to missing balcony light cover and hole in concrete on level 6 Block
C



Similar problem with missing balcony light cover exists in Unit on level 7 Block B.

51 Cleaning equipment kept in telecom and electrical cabinet on level 7 Block B permanently (photos taken on 5 and 25 July 2021)





The wall inside the cabinet needs some repairs:



52 Unsightly entrance to the complex

On 29 July 2020, complaint was sent to Waratah Strata Management about appearance of the gardens at the entrance to the complex.





Strata Manager Mr. Frank Tallaridi responded as follows:

Thank you for your email.

I'll happily pass this correspondence onto the committee as I believe they truly value your opinions in the matters.

Appearance of the gardens did not improve, so another report was sent to Waratah Strata Management on 23 March 2021:

First impressions matter to average person.

Repeated issue of poor appearance of bushes at the entrance to the complex. Few photos attached (many more are in evidence).

Visually comparing photo "SP52948-prolonged-period-of-missing-shrubs-near-entrance-to-complex-photo-2-23Mar2021.jpg" and "SP52948-appearance-of-entrance-to-complex-6-22Jul2020.jpg" shows the quality of maintenance.

In July 2020, now ex-strata manager Mr. Frank Tallaridi appeared to use sarcastic language in his response. Of course, no serious action was taken to rectify the problem.

These shrubs are missing/dying for several years.



Photo taken on 28 July 2021:



On same day, 28 July 2021, middle section of garden at the entrance of the complex is still missing lot of plans, has no mulching, and there is lot of weeds:



53 Long-term problem with some garbage system refuse compactors in four buildings not closing

Examples from Block A, seventh floor:

