

Questions about finances and mismanagement of SP52948 at AGM 2024 that Waratah Strata Management failed to share with owners or provide answers and did not report in minutes of the meeting on 28 November 2024, causing excessive costs and risks to owners

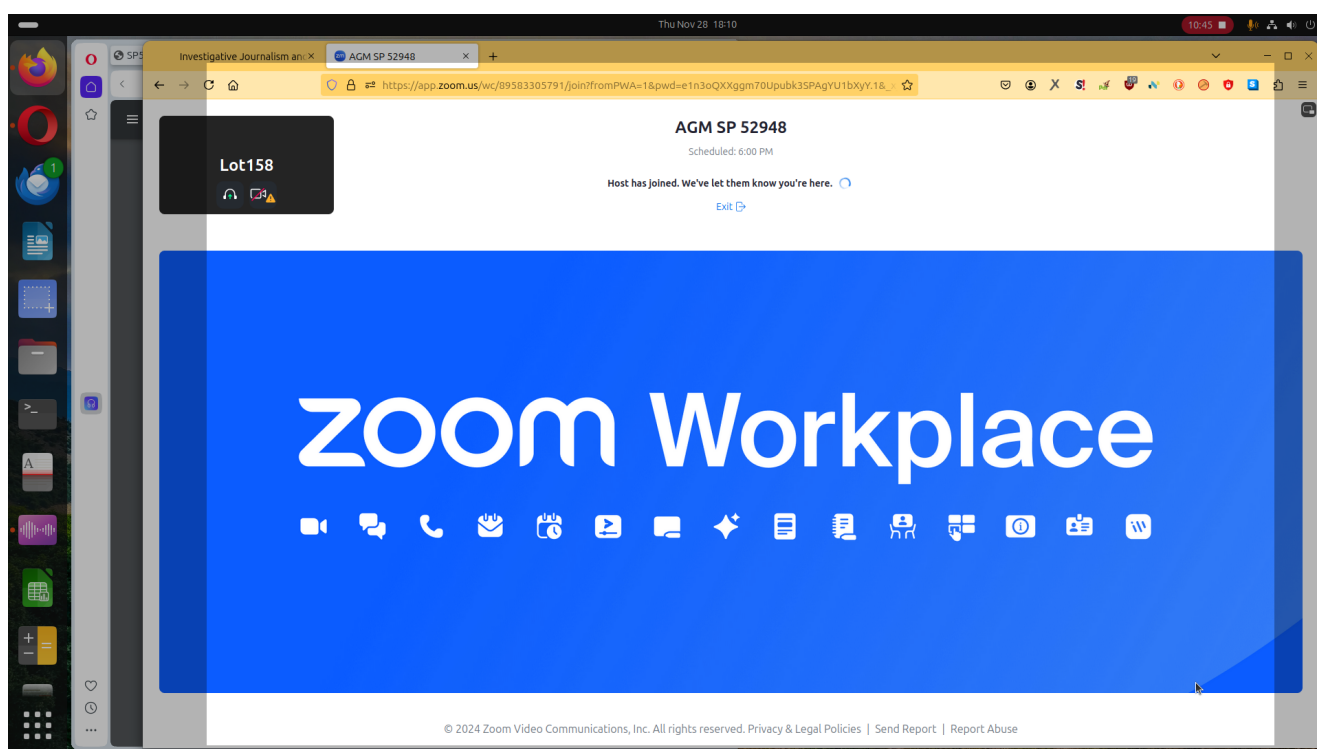
- 1) Detailed Expenses report for the financial year from 01/09/2023 to 31/08/2024 was not provided.
- 2) Detailed Revenue report for the financial year from 01/09/2023 to 31/08/2024 was no provided.
- 3) Waratah Strata Management failed to include Motion about tenant representative in the agenda for AGM 2024 as required in accordance with Section 7 of the Strata Schemes Management Regulation 2016.

The SSMA 2015 requires that a tenant representative meeting be called at least 14 days prior to an AGM for the purpose of electing a tenant representative. This meeting taking place is conditional on:

- Tenants being registered with the OC on the strata roll,
- 50% or more of the total lots are occupied by registered tenants.

Further more, because Waratah Strata Management and committee members hid information about Strata Roll, owners were not even aware how many rented properties were in the complex.

- 4) Waratah Strata Management and committee members continue to use Special By-Law 14 (10) in spite of knowledge that a pet bond or fee can no longer be charged by the owners corporation (on 11 December 2023 the NSW strata and community title legislation changes came into effect).
- 5) Minutes of AGM 2024 were incorrect by stating that meeting started at 18:00 hours. It may be true for some owners, but not for Lot 158 who was left waiting for 10 minutes and not allowed to enter the meeting:



- 6) Even 17 days after the AGM, as of 15 December 2024, minutes of this meeting were not published on any notice board:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-A-notice-board-without-AGM-minutes-for-17-days-15Dec2024.mp4>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-B-notice-board-without-AGM-minutes-for-17-days-15Dec2024.mp4>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-notice-board-without-AGM-minutes-for-17-days-15Dec2024.mp4>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-D-notice-board-without-AGM-minutes-for-17-days-15Dec2024.mp4>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-letterbox-1-notice-board-without-AGM-minutes-for-17-days-15Dec2024.mp4>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-letterbox-2-notice-board-without-AGM-minutes-for-17-days-15Dec2024.mp4>

- 7) Waratah Strata Management did not declare insurance commission in amount of \$9,936.71 in agenda for AGM 2024 in spite of advanced warnings not to get involved with insurance renewal.

Section 57(3) of the SSMA permits strata managers to accept payments and training services provided “in connection with the exercise by the agent of functions for the scheme” if the payment is in accordance with the management agreement or is otherwise approved by the owners corporation. Section 60 of the SSMA requires disclosure. That disclosure must at least be on the agenda of each annual general meeting: Schedule 1, clause 9(g) of the SSMA.

\$57,786.69 was received by Waratah Strata Management for insurance commissions since 2018 (their predecessor BCS Strata Management was forced to repay such amounts to owners corporation).

- 8) In FY 2024 (financial year starting on 1 September 2023), SP52948 Admin Fund reached negative balance (deficit) of - \$312,113.03 on 31 October 2023. Waratah Strata Management failed to provide answers on where the money to cover the deficit was coming from, with special emphasis on last two years.

Date	SP52948 Admin Fund Balance	Comment (Strata manager: Waratah Strata Management)
31/08/2023	\$6,120.73	End of Financial Year 2023 Four different versions of this figure exist: \$18,759.11 in report on 31 August 2023, \$14,903.11 in report on 6 September 2023, \$10,652.86 in report on 16 September 2023, and audited accounts on 11 December 2023 (46 days after legally due date) was \$6,120.73; number of invoices and work moved into new financial year to give appearance of positive balance September 2023, and \$10,652.86 in report on 16 September 2023; number of invoices and work moved into new financial year to give appearance of positive balance
01/09/2023		Start of new Financial Year 2024
06/09/2023	\$11,384.11	
25/09/2023	-\$33,571.30	
04/10/2023	-\$39,259.22	
11/10/2023	-\$239,193.82	
18/10/2023	-\$272,482.76	
26/10/2026	-\$307,580.90	Day of Annual General Meeting, Waratah Strata Management did not allow owners to have this information
31/10/2023	-\$312,113.03	End of FY quarter - Highest negative balance for SP52948 ever achieved
01/11/2023	-\$106,308.01	After collection of new levies
30/11/2023	-\$161,825.50	November 2023 monthly salary for building manager Uniqueco Property Services not reported until February 2024; Uniqueco Property Services contract renewed without valid tender with increased salary of around 30%
31/12/2023	-\$211,727.23	November 2023 monthly salary for building manager Uniqueco Property Services not reported until February 2024
31/01/2024	-\$309,762.23	End of FY quarter; November 2023 monthly salary for building manager Uniqueco Property Services not reported until February 2024
01/02/2024	-\$60,370.94	After collection of new levies; November 2023 monthly salary for building manager Uniqueco Property Services not reported until February 2024
29/02/2024	-\$127,359.57	
10/04/2024	-\$250,998.12	
30/04/2024	-\$251,697.41	End of FY quarter
01/05/2024	-\$3,632.01	After collection of new levies
23/05/2024	-\$100,522.75	
31/05/2024	-\$100,644.49	End of FY quarter
16/06/2024	-\$164,511.55	
10/07/2024	-\$211,628.93	
31/07/2024	-\$261,781.53	End of FY quarter
01/08/2024	-\$16,766.81	After collection of new levies
08/08/2024	-\$63,048.35	
31/08/2024	-\$45,584.29	End of Financial Year 2024 Five different versions of this figure exist: -\$76,650.88 in report on 31 August 2024, -\$82,495.29 in report on 5 September 2023, -\$89,919.55 in report on 13 September 2024, -\$71,490.05 in report on 17 September 2024, and -\$45,584.29 on 18 October 2024

- 9) SP52948 Balance Status on 31 August 2024, end of FY 2024 - Admin Fund had negative balance of -\$45,584.29. Five different versions of this figure exist: -\$76,650.88 in report on 31 August 2024, -\$82,495.29 in report on 5 September 2023, -\$89,919.55 in report on 13 September 2024, -\$71,490.05 in report on 17 September 2024, and -\$45,584.29 on 18 October 2024. The figure of -\$325,441.80 did not include around \$122,690.28 insurance premium (GST excl) for the second half of

FY 2025. Taking that into account, more realistic negative balance (deficit) in Admin Fund on 31 August 2024 would be \$448,132.08.

13/09/2023, -\$37,050.64, 13 days after collection of new levies

31/10/2023, -\$312,113.03 End of FY quarter

1/11/2023, -\$106,308.01 After collection of new levies

31/01/2024, -\$309,762.23 End of FY quarter; November 2023 monthly salary for building manager Uniqueco Property Services in amount of \$29,866.24 (GST excl) hidden until late February 2024

01/02/2024, -\$60,370.94 After collection of new levies; November 2023 monthly salary for building manager Uniqueco Property Services in amount of \$29,866.24 (GST excl) hidden until late February 2024

30/04/2024, -\$251,697.41 End of FY quarter

01/05/2024, -\$3,632.01 After collection of new levies

31/07/2024, -\$261,781.53 End of FY quarter

01/08/2024, -\$16,766.81 After collection of new levies

31/08/2024, -\$45,584.29 End of FY 2024

31/10/2024, -\$325,441.80 End of FY quarter, and that figure did not include \$122,690.28 for delayed insurance premium (GST excl) for the second half of FY 2025; taking that into account, more realistic negative balance (deficit) in Admin Fund on 31 October 2024 would be -\$448,132.08

01/11/2024, -\$80,061.80 After collection of new levies

22/11/2024, -\$126,697.67

- 10) Who approved, and on what legal grounds, these monthly payments to Uniqueco Property Services, when their contract was fixed for three years:

GST is excluded from the prices shown below.

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

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

Schedule 3 Hours of Coverage

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

Date	161300 Maint Bldg--Building Management (monthly salary)
31 December 2020	\$28,371.47
31 January 2021	\$28,601.47
28 February 2021	\$28,311.75
31 March 2021	\$28,311.75
30 April 2021	\$28,311.75
31 May 2021	\$28,311.75
30 June 2021	\$28,311.75
31 July 2021	\$28,311.75
31 August 2021	\$28,311.75
30 September 2021	\$28,311.75
31 October 2021	\$28,311.75
30 November 2021	\$28,311.75
31 December 2021	\$28,311.75

31 January 2022	\$28,311.75
28 February 2022	\$28,311.75
31 March 2022	\$28,311.75
30 April 2022	\$28,311.75
31 May 2022	\$28,311.75
30 June 2022	\$28,311.75
31 July 2022	\$28,311.75
31 August 2022	\$28,311.75
30 September 2022	\$28,311.75
31 October 2022	\$28,311.75
30 November 2022	\$28,311.75
31 December 2022	\$28,311.75
31 January 2023	\$28,311.75
28 February 2023	\$28,311.75
31 March 2023	\$29,247.07
30 April 2023	\$28,877.98
31 May 2023	\$28,877.98
30 June 2023	\$28,877.98
31 July 2023	\$28,877.98
31 August 2023	\$28,877.98
30 September 2023	\$31,764.07
25 October 2023	\$28,877.98
30 November 2023	\$29,866.24
20 December 2023	\$29,517.85
31 January 2024	\$28,877.98
14 February 2024	\$38,803.44
6 March 2024	\$37,237.78
10 April 2024	\$37,716.27
23 May 2024	\$37,428.06
14 June 2024	\$37,474.33
10 July 2024	\$36,583.33 in accounting code 161300 and \$39,366.18 in accounting code 161350
8 August 2024	\$37,929.73 in accounting code 161300
13 September 2024	\$38,041.94 in accounting code 161300
16 October 2024	\$37,335.04 in accounting code 161300
20 November 2024	\$37,729.81 in accounting code 161300

- 11) Waratah Strata Management forged SP52948 FY 2023 Auditor Report date of issue; for Admin Fund, approved balance at AGM on 26 October 2023 differed from one audited by Economos 46 days after due date by 74.04% (\$10,652.86 vs \$6,120.73); approved expenses for electricity usage and supply at AGM on 26 October 2023 differed from one audited by Economos 46 days after due date by 9.21% (\$49,171.9 vs \$53,704.10); Waratah Strata Management orchestrated renewal of three-year contract with Uniqueco Property Services without valid tender and valid Motion; Admin Fund had negative balance of \$126,629.39 in Balance Sheet; Waratah Strata Management and Uniqueco Property Services did not provide proof of validity and justification of expenses in amount of \$122,843.87 (GST excl); Waratah Strata Management did not address any of AGM 2023 misconduct and illegal activities; Waratah Strata Management did not allow owners to have information about pending legal case to terminate contract with Uniqueco Property Services; Waratah Strata Management prevented owners from having information about NSW Fair Trading case 11138875 about their failures to have Auditor's reports before general meetings.
- 12) How did Waratah Strata Management comply with order at committee meeting on 7 May 2020 to sign the costs agreement of barrister under common seal for and on behalf of the Owners Corporation, who was requested to respond to the letter received from O'Brien Criminal & Civil Solicitors?
- 13) How did Waratah Strata Management confirm that there was no conflict of interest by Solicitor Adrian Mueller in email on 21 June 2019, when Solicitor was asked to "help" with obtaining copy of USB key which Police lost a year earlier without disclosure to any owner?

- 14) How did Waratah Strata Management (email by Solicitor Adrian Mueller on 9 June 2022) engage independent legal advice about serious allegations of Solicitor Adrian Mueller's misconduct and criminal conduct and what was the outcome of such activity?
- 15) Excluding FY 2024 (Waratah Strata Management claimed there were no payments for "Maint Bldg -- Consultants Code 164200" in agenda for pending Annual General Meeting in November 2024), Core Consulting Engineers was paid \$20,250.00 (GST excl) in previous years.

Excluding FY 2024 (Waratah Strata Management claimed there were no payments for "Maint Bldg -- Consultants Code 164200" in agenda for AGM in November 2024), Core Consulting Engineers was paid \$20,250.00 (GST excl):

Payment Date Payee Amount (GST excl) Ref No.

06/07/2021	Core Consulting Engineers Pty Ltd	\$8,500.00	INV-CCE2791
24/09/2021	Core Consulting Engineers Pty Ltd	\$4,000.00	INV-CCE2740
11/10/2021	Core Consulting Engineers Pty Ltd	\$4,000.00	INV-CCE2963
19/12/2022	Core Consulting Engineers Pty Ltd	\$3,750.00	INV-CCE3528

For FY 2023 alone, Waratah Strata Management and Uniqueco Property Services failed to justify invoices and expenses in amount of \$122,843.87 (GST excl) before, at, and after AGM 2023, which include these payments related to fire orders:

Payment Date Payee Amount (GST excl)

29/11/2022	Austech Consulting Engineers Pty Ltd	\$11,400.00
18/04/2023	GRS Building Reports Pty Ltd	\$4,000.00
22/05/2023	Austech Consulting Engineers Pty Ltd	\$26,600.00
19/12/2022	Uniqueco Property Services	\$210.00
28/03/2023	Uniqueco Property Services	\$140.00

- 16) Figure for Uniqueco Property Services for May 2024 was listed under dubious account code, standard code for "Maint Bldg -- Building Management" was 161300, but in May 2024, separate code was added in Admin Fund balance "161350 Maint Bldg -- Building Management Expenses") and kept it for one monthly salary for building management until the end of financial year (cumulative salary for the building manager stayed the same in April and May 2024 - \$262,661.61).
- Income & Expenditure Report listed full-year salary for Uniqueco Property Services as \$374,649.00 in account code 161300 on 31 August 2024.
 - Income & Expenditure Report listed extra building expenses as \$39,366.18 in account code 161350 on 31 August 2024.
 - In allegedly audited accounts by Economos, these figures were amended and presented in agenda for AGM 2024:
Account code 161300 listed full-year salary for Uniqueco Property Services as \$400,473.21 on 31 August 2024.
Account code 161350 listed extra building expenses as \$14,539.42 on 31 August 2024.
 - Difference between audited accounts and Income & Expenditure Report for August 2024 for full-year salary for Uniqueco Property Services in account code 161300 reveals figure of \$25,824.21.
- 17) Core Consulting Engineers provided identical version of alleged tender for committee meeting on 17 May 2024, which did not comply with strata laws and its minutes were never published.

- Alleged committee meeting on 23 May 2024 that supposedly discussed fire safety tender had many problems:

Strata Plan SP52948 committee meeting dated 23 May 2024, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW).

Agenda was created on 17 May 2024 and scheduled for 23 May 2024. Excluding date of creation, meeting date, public holidays, and the weekend, only three days were allowed for delivery of notice to all owners. As per Strata Roll dated 31 January 2017, more than 32% of owners had requested postal delivery of notices – that figure is hidden from owners by Waratah Strata Management in subsequent years.

Access to current Strata Roll was disabled by deliberate actions of strata manager.

No owner received full information about financial status, where Admin Fund had deficit (negative balance) of \$100,522.75 on the day of the meeting.

Agenda was not detailed, especially the details of Solicitor Adrian Mueller's costs in Standard Costs Agreement and the fact that Police Event was opened for his alleged criminal activities, whilst Office of Legal Services Commissioner and Law Society of New South Wales continued to investigate his misconduct in relation to Supreme Court case and insurance frauds in CTTT case SCS 12/32675 and NCAT case SC 20/33352.

Another main motion for this meeting contained incomplete details about massive expenses awaiting owners - Core Consulting Engineers was engaged to assess tenders by the following fire contractors in a response to the tender documentation by CORE (forced by City of Ryde Council). Even worse, these tenders were still incomplete, in spite of fire safety non-compliance for four-years:

Flamesafe [quoted their work at \$783,713.00]

Fire Protect Services [quoted their work at \$997,240.00]

Superior Fire Services [quoted their work at \$907,124.00]

Remedial [quoted their work at \$3,450,172.00]

Lot 158 did not receive agenda for the meeting.

None of six notice boards published agenda of the alleged meeting until one day before the meeting on 22 May 2024 (photo evidence was collected).

Waratah Strata Management was repeatedly warned about allowing self-nominations for committee (this problem reoccurred at AGM 2023 too).

Waratah Strata Management website on two main pages did not list any meeting for this date (photo and video evidence was collected).

Even six months after the alleged meeting (as of December 2024), none of six notice boards published minutes of the meeting (photo and video evidence was collected).

Six months after the alleged meeting (as of December 2024), Waratah Strata Management website did not publish minutes of the meeting.

Many owners, like Lot 158, never received minutes of the meeting.

- 18) On 5 November 2024, Core Consulting Engineers were asked to explain why the tender for SP52948 as sent in agenda for committee meeting on 17 May 2024 and Annual General Meeting on 8 October 2024 differed only by date and signature of the sender, in spite of concern on page 2 that it was an incomplete assessment. Five and half months passed since that report and no further analysis has been done, preventing owners corporation from making fully informed decisions, in spite of SUU (Strata Unit Underwriters) warning on 24 September 2024. Why did Core Consulting Engineers delay the further assessments? Alternatively, who came up with the idea not to do any further work and simply change the date and signature of the CORE tender?

Excessive delays with Core Consulting Engineers' work is further emphasised by the fact that SP52948 is illegally used for short-term letting (effectively becoming a hotel), against the Development Consent 288/94 and Modification Consent A288/94 for the construction of the four residential towers and 26 Townhouses at the above property.

Verification of SP52948 Development Approval Conditions and Building and Development Advisory Service at Ryde Council (Development Consent 288 of 1994 and A288 of 1994) confirms that this applies to SP52948 (spoke to Mr. Zia Ahmed on 25 March 2020). Mr. Zia Ahmed called from phone 9952 8485 at 16:00 hours, the call lasted 6 minutes 40 seconds). He kindly explained the conditions:

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.

- 19) Core Consulting Engineers unreservedly dismissed Remedial quote as being excessive and refused to provide more details about it, apart from stating that Remedial "was known for high prices" and that they were builders too. So, it was entirely a decision of Core Consulting Engineers to prevent SP52948 to consider Remedial tender.

- 20) Core Consulting Engineers did not have an explanation why the tenders by other parties were still partially incomplete and how much extra they would cost (blank cheque threat).
- 21) In agenda for AGM, Core Consulting Engineers provided tender analysis in two-page document (reference AC2718). In their document, they referred to:

Fire Protect Systems:
Document without reference number

Flamesafe:
SQ24-119 Automatic Fire System Installation 28-02-2024 MT
SQ24-146 Macquarie Gardens - 1-15 Fontenoy Road NORTH RYDE 1-03-2024

Remedial:
NS23211SB - Core Engineering - 1-15 Fontenoy Rd Macquarie Park

Superior Fire Services:
0662_001
CRF5402

In their document dated 15 May 2024 (allegedly prepared for committee meeting that never happened) and in agenda for AGM, they listed tender by Superior Fire Systems as document CRF5402, but the actual attachment sent to owners on 4 November 2024, the document was CRF5402A, so it is obvious that some tenders were asked to "resubmit".

FlameSafe Fire Protection also had that opportunity as their documents were dated 9 September 2024.

It appears, based on simple analysis of dates in the documents, two other tenders were not given that opportunity.

- 22) The agenda for AGM provided limited references:

Fire Protect Systems document dated 4 March 2024. None of the attachments in their two-and-half pages were made available to owners.

Superior Fire Services document CFR5402A dated 31 July 2024. Document 0662_001 was not provided to owners.

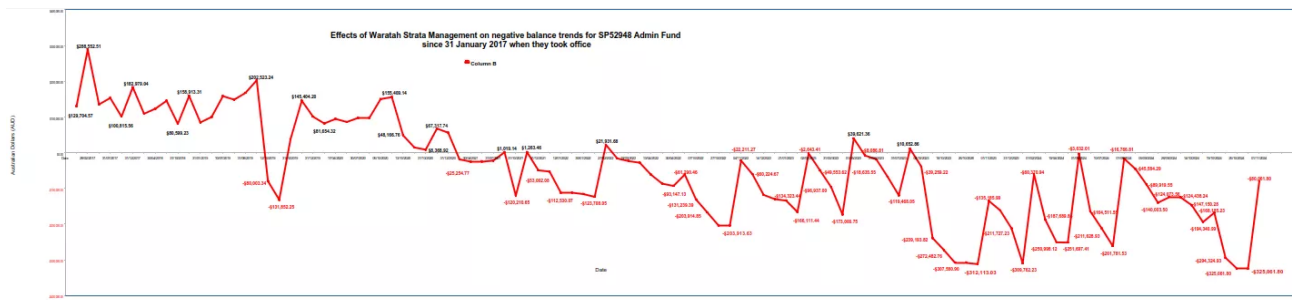
FlameSafe Fire Protection document SQ24-119 dated 9 September 2024 and document SQ24-685 dated 9 September 2024. Document SQ24-146 was not provided to owners.

Remedial document NS23211SB was not provided to owners.

Neither Core Consulting Engineers, nor Waratah Strata Management, had any answers about excessive delays in attending to fire safety, which significantly benefited consultants in financial terms:

- 23) In FY 2024 Capital Works budget, as presented and allegedly approved at AGM 2023, \$0.00 (GST excl) was planned for pool renovation, but \$27,073.18 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender.
- By the same token, in FY 2023 Capital Works budget, as presented and allegedly approved at AGM 2022, \$0.00 (GST excl) was planned for pool renovation, but \$23,993.18 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender.
- 24) In FY 2024 Capital Works budget, as presented and allegedly approved at AGM 2023, \$0.00 (GST excl) was planned for electrical works, but \$12,764.00 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender.
- 25) In FY 2024 Capital Works budget, as presented and allegedly approved at AGM 2023, \$0.00 (GST excl) was planned for fire protection, but \$27,210.50 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender.
- By the same token, in FY 2023 Capital Works budget, as presented and allegedly approved at AGM 2022, \$0.00 (GST excl) was planned for fire protection, but \$43,711.00 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender.
- 26) In FY 2024 Capital Works budget, as presented and allegedly approved at AGM 2023, \$0.00 (GST excl) was planned for roof gutters and downpipes, but \$10,812.00 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender.

- 27) In FY 2024 Admin Fund budget, as presented and allegedly approved at AGM 2023, \$3,000.00 (GST excl) was planned for tree lopping/removal, but \$15,461.37 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender, in spite of advance knowledge of many trees requiring attention in the complex.
- 28) In FY 2024 Admin Fund budget, as presented and allegedly approved at AGM 2023, \$5,000.00 (GST excl) was planned for doors and windows, but \$10,738.36 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender.
- 29) In FY 2024 Admin Fund budget, as presented and allegedly approved at AGM 2023, \$7,500.00 (GST excl) was planned for electrical works, but \$14,599.76 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender.
- 30) In FY 2024 Admin Fund budget, as presented and allegedly approved at AGM 2023, \$2,000.00 (GST excl) was planned for electrical works, but \$8,023.00 (GST excl) actually spent without decision at general meeting, and without providing owners with full tender.
- 31) If Admin--Legal & Debt Collection Fees expenses in amount of \$4,561.93 included any payments to Solicitor Adrian Mueller, they were illegal because alleged committee meeting dated 2 April 2024, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW):
- Agenda was created on 26 March 2024 and scheduled for 2 April 2024. Excluding date of creation, meeting date, public holidays, and the weekend, only two days were allowed for delivery of notice to all owners. As per Strata Roll dated 31 January 2017, more than 32% of owners had requested postal delivery of notices – that figure is hidden from owners by Waratah Strata Management in subsequent years.
 - Access to current Strata Roll was disabled by deliberate actions of strata manager.
 - No owner received full information about financial status, where Admin Fund had deficit (negative balance) of \$190,762.04 one day before alleged agenda was sent to owners.
 - Even worse, no owner received full information about financial status, where Admin Fund had deficit (negative balance) of - \$200,148.73 on the day of the alleged meeting.
 - Agenda was not detailed, especially the details of Solicitor Adrian Mueller's costs in Standard Costs Agreement.
 - Agenda did not contain details of time and place of the meeting, denying owners their right to attend in person, if they wishes so, and with 25% of voting rights to make decision any way they wanted without committee members.
 - Copy of the fee proposal dated 18 March 2024 (including full cost estimate), was not provided to any owner, or published on Waratah Strata website.
 - None of six notice boards published agenda of the alleged meeting at any time before the meeting (photo evidence was collected).
 - Meeting did not satisfy quorum (out of four allegedly valid votes, two were not legal committee members: Mr. Ramesh Desai and Mr. Stan Pogorelsky).
 - Outcome of alleged Solicitor Adrian Mueller's engagement did not publish any information for owners or present Motion for a new By-Law:
 - (i) provide advice in relation to recent communication from Lot 158; and
 - (ii) draft additional by-law for storage of electric bikes, scooters and other electric lithium battery powered mobility equipment.
- 32) At SP52948 committee meeting on 22 February 2024, Waratah Strata Management was forced to admit they kept false version of financial data in Admin and Capital Works Funds for three months. Falsified data in Admin Fund for Uniqueco Property Services in period from November 2023 to February 2024. Why and who approved it?
- 33) Admin Fund balances show real picture. Waratah Strata Management failed to explain where money for Admin Fund was coming from, with special emphasis to FY 2023 and FY 2024.



- 34) Since 2015, Lot 158 was warning strata managers and committee members of risks with poor budget planning and insurance risks and in November 2024 Waratah Strata Management was reminded about them:

SP52948-Lots-against-legal-costs-ignored-by-EC-May2013

SP52948-Special-Levies-Looming-22Mar2015

SP52948-ongoing-issues-including-fire-and-health-safety-security-maintenance-25Aug2018

SP52948-EC-letter-to-owners-whilst-three-members-unfinancial-and-not-legal-to-be-on-the-committee-21Jul2017
(Lot 3 Mrs. Lorna Zelenzuk, Lot 147 Mr. Moses Levitt, Lot 181 Mr. Stan Pogorelsky)

SP52948-WITHOUT-PREJUDICE-Request-to-stop-wasting-strata-funds-on-legal-expenses-that-cannot-succeed-18Jun2019

- 35) Five financial audits failed to satisfy Clause 21 of the Strata Schemes Management Regulations 2016 which requires that the accounts and financial statements of the owners corporation with budget above \$250,000.00 must be audited before presentation at Annual General Meeting (AGM) in accordance with Section 95 of the Strata Schemes Management Act 2015.

At two other AGMs, audits were questionable and NOT corrected by Waratah Strata Management and Economos when presented with evidence.

Why and who approved it?

- 36) Waratah Strata Management and committee members wanted to increase levies by 52.42% per year. But, they did not directly show this figure, and instead, hid it in agenda for AGM 2024. Why and who approved it?
- 37) Why Waratah Strata Management prevented owners from considering the proper solution to avoid huge levy increases:
- Remove poorly prepared planned expenses in FY 2025 (legal costs in amount of \$30,000.00 is one example).
 - Disallow Waratah Strata Management to earn insurance commissions, which save owners corporation between 10% and 20% of the insurance premium costs,
 - Decrease or completely remove these insurance policies:
 - Office Bearers Liability.
 - Legal Defence Expenses.
 - Appeal Expenses.
 - Lot Owners' Fixtures & Improvements.
 - Common Contents (SP52948 does not have appliances, equipment, furniture, fittings and works of art that need cover in amount of \$21,982,500.00).
 - Increase excesses as they already prevented owners corporation from making many claims.
 - Recover these amounts back into owners corporation funds WITHOUT ANY COSTS TO OWNERS (case for gross negligence and mismanagement by Waratah Strata Management, Uniqueco Property Services, and committee members is solid):
 - \$92,950.00 which was NOT spent on alleged upgrades for townhouses in 2017 (recovered fund to be paid by Waratah Strata Management, Uniqueco Property Services, and committee members).
 - Unpaid gas heating levies (including 10% simple interest per year for overdue payments).
 - \$57,786.69 which Waratah Strata Management received for insurance commissions since 2018 (their predecessor BCS Strata Management was forced to repay such amounts to owners corporation).

- At least \$120,000.00 from Solicitor Adrian Mueller for actions causing significant insurance costs and other risks, whilst acting against best interests of owners and tenants (and even ignoring requests from strata managers and committee members in the past).
- Dubious invoices for poor maintenance and repetitive repairs without warranties. An example: expenses in amount of \$122,843.87 (GST excl) as requested in Lot 158 email to Waratah Strata Management and Uniqueco Property Services on 10 November 2023.
- And more.

(vi) Re-tender strata and building management contracts and review of their services and scope of duties (Waratah Strata Management merged with Beaumont Strata Management and RELM Property Group in last 18 months without disclosure to owners corporation) and Uniqueco Property Services increased their costs by around 30% per year at non-compliant EGM on 30 November 2023.

38) Why did Waratah Strata Management and committee members prevented owners from discussing the following items in the proposed budget (not based on owners corporation assessment of real costs and needs, or unjustified expenses (for example: legal fees, and around 30% increase for Uniqueco Property Services contract without tender at non-compliant EGM on 30 November 2023)):

- Maint Bldg--Building Management, \$440,000.00
- Insurance--Premiums, \$270,000.00
- Maint Bldg--Insurance Repairs &/or Excess, \$2,000.00
- Maint Bldg--Fire Protection Repairs, \$18,000.00
- Maint Bldg--Plumbing & Drainage, \$20,000.00
- Maint Bldg--Consultants, \$3,000.00
- Maint Bldg--Electrical, \$10,000.00

39) Why did Waratah Strata Management and committee members prevented owners from discussing the priorities in the new 10-Year Capital Works Fund as current one was next-to-useless and deliberately inaccurate:

- Compliance with fire safety orders
- Roof membranes in Block A and C (not properly upgraded since 1996), whilst in two other buildings (half roof of Block B and whole roof of Block D) the warranty for upgrades in 2014 and 2015 were decreased from 15 to 5 years due to long-term neglect.
- Roof membranes on four buildings need overdue maintenance, where Kintyre decreased warranties for half of roof in Block B and whole roof in Block D to five years instead on standard 15 years due to long-term lack of maintenance.

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

The most revealing figures are related to when to rectify roof problems (major issue in the complex): in BIV's plan in March 2017, it was recommended to complete the work in August 2023 at estimated cost of \$571,275.00. In BIV's plan in October 2021, it was recommended to delay the work to September 2031 at estimated cost of \$900,722.00.

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

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

That makes Block A roof not properly maintained for almost 28, which is against professional recommendations to do it around every 10 years.

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

\$7,785.00 Block D: roof membrane - fourth part
\$25,000.00 Block D: roof membrane - third part
\$32,786.00 Block D: roof membrane - second part
\$43,714.00 Block D: roof membrane - first part
\$35,613.60 Block B: roof membrane - second part
\$23,742.40 Block B: roof membrane - first part

Waterproofing one whole roof in Block D cost SP52948 around \$107,000.00 (GST inclusive). One and half roofs together cost SP52948 around \$170,000.00 in 2014 and 2015. Waratah Strata Management and maintenance staff were contacted to submit this information to owners multiple times since 2018, which they declined.

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

It increased our insurance risk, which was evident from 2012. One of the claims for water damage was for Lot 188 in amount of \$1,294.55 on 25 July 2011.

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

- Roof renovations for 26 townhouses
- Stormwater
- Internal painting in four buildings
- Hot water, plumbing, and pumps

- 40) Why did Waratah Strata Management and committee members prevented owners from discussing proposed budget for FY 2025, which did not match BIV's assessment in 2021. Waratah Strata Management mislead the owners corporation suggesting that Capital Works Fund Forecast Report asked \$266,502.00 for expenses in FY 2025.

Here are real figures for items in BIV's report for FY 2025:

Balustrades	\$44,524.00
Garage Doors	\$70,573.00
Intercom + security doors	\$53,934.00

The above expenses amount to \$169,031.00 and are of low priority compared to many other pressing issues, so they can be delayed, or addressed through fix-and-repair-only-what-breaks.

- 41) Waratah Strata Management and committee members Waratah Strata Management did not provide detailed insurance report in the agenda:

Waratah Strata Management did not provide any evidence of multiple quotes for the insurance renewal in the agenda.

Waratah Strata Management did not provide detailed premium breakdown (including FSL, Insurer Agency Policy Fee, Stamp Duty, Admin Fee, GST: Insurance quotes will be required to include a full breakdown of the premium, aligning with the recommendations made by John Trowbridge on disclosure obligations.

Whilst declaration of insurance commissions is compulsory, there is another component which can be paid to strata managers: fees. Waratah Strata Management did not declare receiving insurance fees in any year since 2017.

Since 2017, Waratah Strata Management was instrumental in huge insurance premium increases, whilst personally benefiting from significant insurance commissions:

2018	\$75,503.19	15.31%	\$6,570.16 paid to Waratah Strata Management
2019	\$81,382.12	7.79%	\$6,084.84 paid to Waratah Strata Management
2020	\$80,320.14	-1.30%	\$5,633.62 paid to Waratah Strata Management
2021	\$87,404.90	8.82%	Solicitor Adrian Mueller fully involved in forcing insurance claims for his alleged work \$6,541.55 paid to Waratah Strata Management
2022	\$99,132.62	13.42%	Insurance claim for Solicitor Adrian Mueller (on 25 March 2022 Waratah Strata Management listed revenue from insurance claims in amount of \$19,758.14. Insurance broker forced SP52948 to pay extra \$1,617.37 as per invoice on 9 August 2022 for overdue excesses dated 20 September 2021 and 19 April 2022. SP52948 was forced to repay \$4,545.45 (GST excl) to insurance company for Solicitor Adrian Mueller's legal costs in NCAT case SC 20/33352 \$6,541.55 paid to Waratah Strata Management
2023	\$149,529.07	50.84%	Insurance renewal was due on 21 September 2022 but paid on 26 September 2022 (creating risk of uncovered common property for period of five days). SP52948 was at high risk due to expired insurance. SP52948 was forced to repay \$15,200.15 (GST excl) to insurance company for Solicitor Adrian Mueller's legal costs in NCAT case SC 20/33352 \$6,541.55 paid to Waratah Strata Management
2024	\$181,778.06	21.57%	Insurance renewal was due on 21 September 2023 but not listed on Waratah Strata Management even as late as 11 October 2023 \$9,936.71 paid to Waratah Strata Management
2025	\$245,380.56	34.98%	Insurance renewed only for HALF-YEAR period (until 21 March 2025) due to lack of funds in Admin Fund and HIGH legal risks; Admin Fund reported premium costs as \$122,690.28 one month later on 23 October 2024 Insurance company warnings in their policy on 24 September 2024: "Building Defects Additional policy exclusion Building Defects and remedial work exclusion (applicable to all sections) We will not pay any claims for Damage, Personal Injury, Property Damage, Loss, or legal expenses caused directly or indirectly by, contributed by or arising from any of the defect in any item, structural defect, faulty design, faulty workmanship error or omission as outlined within the report issued by Fire and rescue NSW dated 08/11/2019 and any subsequent reports. Risk Survey Cover under this policy is subject to a Risk Survey being conducted by Strata Unit Underwriters and implementation by the insured of any suggested risk improvements within 60 days of request. Should the insured not make the reasonable suggested risk improvements within 60 days of request, and should the Risk Survey of the premises show an increased risk of loss, damage or liability in relation to the premises, Strata Unit Underwriters may charge an additional premium, change the cover of your policy and/or impose special conditions to reflect the increased risk of loss, damage or liability. Strata Unit Underwriters may also cancel the policy if permitted by the Insurance Contracts Act 1984 (Cth). It is important for the insured to know that Strata Unit Underwriters may make changes to this Policy as a result of a change in the insured's information. When there is a change, Strata Unit Underwriters will inform you. If the insured is not satisfied with the changes, the insured may cancel the policy." \$9,936.71 paid to Waratah Strata Management in spite of advance warning to executive committee

42) Waratah Strata Management and committee members Waratah Strata Management prevented owners from making proper decision on restricted matters, which strata manager abused many times in the past, at huge cost and risks to owners:

- Gas heating levies.
- Spend more than 10% above the budgeted amount for any item (does not apply to emergency cases).
- Waiving 10% simple interest for overdue levy payments.
- Insurance renewals, including policies and coverage.
- Changing, repealing or adding to the Strata By-Laws.
- Renewal of any major contract on behalf of owners corporation (gas, electricity, water, elevators, painting, roof upgrades, and other major maintenance).
- Any legal expense above \$500.00 (GST excl) in any full financial year that do not apply to costs for levy recovery.
- Alteration of common property.
- Acceptance of a settlement offer in a building defect and legal case, or damages claim.
- Any renovations affecting common property and exclusive rights to common property.

43) Waratah Strata Management and committee members Waratah Strata Management prevented owners from making proper decision on annual fire safety. Alleged Fire Safety Statement, as provided to owners in agenda for AGM 2024 has these problems:

- It is undated.
- It is not accompanied by fire safety schedule.
- Improbable and questionable date of the alleged audit (4 January 2024) as notice of the assessments showed dates 29 January 2024 and 31 July 2024: some of the repairs were done after alleged date on 4 January 2024 (Lots 117 and 141 on 29 March 2024).

44) Waratah Strata Management and committee members Waratah Strata Management prevented owners from making proper decision on restrictions on spending expenditure versus budget. Waratah Strata Management used fear-mongering as a tool to by-pass common-sense requirements for transparency and good planning.

- SSMA 2015 Section 102 (3) was designed to prevent abuse of expenditures.
- Waratah Strata Management and committee members abused this limitation, with most recent example the swimming pool renovations in amount above \$50,000.00 (GST excl), in spite of alleged major renovation of the complex in 2017 where pool problems were already evident.
- Waratah Strata Management deliberately mislead the owners corporation by stating that if SSMA 2015 Section 102 (3) this was not removed, then a general meeting would need to be convened to authorise any expenditure which exceeds the 10% limit. This spending restriction does not apply to emergency expenditures (storm, fire, blocked/burst pipes, electrical failure, security system failure, glass breakages, and similar).
- It was duty of Waratah Strata Management and committee members to properly prepare budget figures for FY 2024 and they cannot be allowed to run the finances without watchful and responsible care.
- Considering that Waratah Strata Management organised four EGMs in 2023 and 2023, which were primarily benefiting few individual owners and their renovations, whilst ignoring global pressing matters like Admin Fund deficits, insurance and legal risks, and fire safety, if an EGM needs to be organised, it will be a very minor problem:

SP52948-EGM-17Aug2023

SP52948-EGM-27Apr2023

SP52948-EGM-30Nov2023

SP52948-EGM-22Feb2024

45) Waratah Strata Management and committee members prevented owners from making proper decision on Lot 79 major renovation. Lot 79 application failed in many areas:

- Started work without approval of the owners corporation at any legally convened meeting.
- Started work without registered Special By-Law, as per Section 141 of the Strata Schemes Management Act 2015 at the Registrar-General's Office.
- Application does not provide any schedule of dates for the work.
- Application not accompanied with all relevant files.
- No evidence that Lot 79 paid application fee in amount of \$120.00 (plus GST) for the strata manager to review the application, search by-laws and obtain instructions from the strata committee.
- No evidence that Lot 79 paid bond in amount of:

\$1,000.00 if total cost of works is less than \$20,000.00
\$5,000.00 if total cost of works is less than \$20,000.00
- No evidence that Lot 79 paid or will pay legal costs in amount of \$500.00 for registering updates to Consolidated By-Laws.
- No evidence that Lot 79 paid strata manager's reasonable costs for holding a general meeting to approve the major renovation (including printing and postage of agendas and minutes) and the costs of preparation and attendance at that meeting (even when it is virtual).
- No evidence that Lot 79 provided a dilapidation report as to the condition of the common property and each Lot that is immediately adjacent to (above, below, or beside) the owner's cost.
- As of 17 December 2024, evidence of Special By-Law registration was not given to any owner and tenant, and not published on Waratah Strata website, whilst renovations are proceeding without interruptions.