



Waratah Whispers

October Updates.....

Sad news - Vale Bruce Lang 1936 - 2020

We lost our good neighbour Bruce recently. Bruce and Jan joined our community on Level 9 in 2007, Bruce was a retired Wing Commander in the Air Force and served in Vietnam in 1967. We will miss him. Our thoughts go out to Jan and family at this time.

Annual General Meeting

The AGM is scheduled for 12 November. It will be held as usual at Holiday Inn next to Kings Cross station. Owners will receive the usual information pack including proxy form prior to the meeting.

Projects

Sustainability:

As you may be aware, the Owners Corporation received a Sustainability Award from the City of Sydney Council last year and continues to look for improvements. A review of our rating by NABERS (National Australian Building Rating System) has just been completed. The review recognised initiatives taken in regard to electricity in the past 12 months, raising our rating to 3.5 Stars (+0.5) and maintaining water at 3.5 Stars. Not only is this good for the environment but owners will see a reduction in the Strata's costs for water use and electricity throughout common property.

Façade project

As part of our long term plan and as approved at last year's AGM a major project on the agenda is repair and maintenance of the facades throughout the complex. The pandemic has slowed progress this year and preliminary work has identified opportunities to enhance the appearance of the building that will require consideration at the AGM.

Apex Diagnostics has carried out a general condition audit of the Waratah external building façade across the Main Tower, North Wing and front Townhouses examining slab edges, flashing and sealants, sloped cladding, vertical cladding, roof cladding, brickwork, spitter pipes and other surfaces for damage, corrosion, leaks and general aging. The report is being reviewed in conjunction with the engagement of an architectural firm, BTB architects. Our aim is to remediate any damage identified by Apex and tie in the repairs with an overarching architectural plan by BTB. This will be an opportunity to both repair and enhance the external facade of the building in a cost effective manner.

A report will be shared with owners once finalised and ready for the AGM.

Electric Vehicle (EV) Charging

The Strata Committee is investigating the potential to provide access for EV charging facilities within the complex. We have commenced discussions jointly with our sustainability consultant and the Owners Corporation Network (OCN) who are providing EV contacts and the By-law required for Owners to approve the change to common property. The challenge we have is ensuring we have enough electrical capacity (KWHrs) and the capability to provide access where required. Any resident interested in EV charging might let our staff at Reception know and we will keep you informed.

Gym flooring. (Noise)

The committee is currently seeking methods to reduce the noise of weights being dropped on the gym floor. All gym users are asked to carefully place all weights on the floor and not drop them. In consideration of owners and tenants affected by this noise currently we are seeking quotes on a floor product that we hope will markedly reduce this noise. We will keep you



advised, thank you in advance for your tolerance.

Management and administration of the strata

Owners will be aware, but other residents possibly not, that Mr Grant Moore, owner of Lot 141, and a critic for some years of various aspects of the way the strata operates has lodged an application with the NSW Civil and Administrative Tribunal (NCAT), seeking an order to appoint a compulsory strata manager. Under strata law, the Tribunal may issue such an order only if satisfied that the Owners Corporation (OC) is **"not functioning or not functioning satisfactorily."**

If successful an order would see an appointed strata manager, Mr Moore has nominated one of his choosing who will assume all functions of the Owners Corporation that are currently exercised by owners at the Annual General Meeting (levies charges, by-laws etc) and on their behalf, throughout the year by the Strata Committee (management, control and administration of the scheme.) This is currently done by your Strata Committee at no cost. **The Owners Corporation has resolved to oppose the application.**

At a procedural hearing on Monday, NCAT Tribunal Senior Member Thode issued directions that require Mr Moore to lodge evidence in support of his application no later than 7 December, and the Owners Corporation by 29 January 2021, with a date to be set for a hearing thereafter. The Tribunal Senior Member, aware that Mr Moore has separately lodged a motion for consideration at the Annual General Meeting that would, if adopted see the appointment of his nominated strata manager on a voluntary basis, encouraged the parties to vote on this at that meeting. Mr Moore in an email to owners yesterday misinterprets this stating the Tribunal Member encouraged a vote *"to appoint"* his nominated manager, and claims incorrectly that this is *"a profound and telling direction for her future judgements in this case... certainly unprecedented and reinforces the state of neglect we all find ourselves in in SP39386 Waratah Apartments."*

It is nothing of the sort! Recognition only that given the timing, the General Meeting's vote on the motion is relevant to the ongoing management of the application before the tribunal. Whether the meeting votes for this or any other motion is entirely a matter for owners. The Tribunal is on the record that imposing a compulsory strata manager on an OC is a **"draconian"** measure as it **"removes the democratic process which has been established"** under the Act. As such, orders must be based on objective evidence and are not lightly granted. In the vacuum that exists **until Mr Moore lodges his evidence**, the OC relies on its record, confident that it functions effectively and satisfactorily by any objective standard, and with strong support from owners, for example as evidenced through recent feedback and at the AGM and two General Meetings over the last twelve months.

In the application and emails sent to all or some owners, Mr Moore makes allegations that are false, are yet to be supported by evidence or subject to interrogation or a response. Eg; he compared sales of a penthouse in the new Omnia building (less than two years old) with our 30+ year old building??

Mr Moore (and another owner) acquired email addresses through access to Owners Corporation records. The relevant law provides an owner with a right to inspect records but regrettably does not impose limits or conditions on the use of information acquired such as contact details. Unfortunately there is nothing the OC can do about this.

Thank you for the many supportive messages the committee has received since this matter came to attention. Comments from owners and residents are always welcome to sp38936@71victoriast.com.au We will keep you informed of developments.

COVID 19

Thank you to all residents for your forbearance, co-operation and support in managing through these difficult times. We know it has not been easy but your co-operation and understanding has been much appreciated. A special thank you to our staff, Building Manager Kay, our Concierges Vince, Ricardo and Anis who manage our complex for us and our important cleaning team of Lucy, Chhabi and Nishan who are responsible for all the additional cleaning and sanitisation required.

Missing Plants

You may have noticed a few empty spots in our gardens at the front in Victoria street a few weeks ago. Someone in the area has been taking our plants. Several days ago the same person returned and removed a newly planted Camellia, we have reported this to the Police and have provided them with the CCTV footage.

Have a great month! ... Your Strata Committee

