

## **Queenscliff Gardens Update April 2025**

### **Financial Position**

As at the end of March we had balances.

**Administrative Fund:** \$31,093

**Capital Works Fund:** \$83,962

The April levy raises \$250,000 toward the Works Fund. On 14 April, 31 of 38 lots have paid the April Levy.

### **Remedial Update**

With recent reports from Lots 26 and 27 of chunks falling from concrete beams onto their balconies, it confirms once again the need to make haste with the remedial works. I noticed the uppermost floors of 15 East Esplanade have been vacated and propped. Perhaps a cautionary tale for us.

### **Legal Advice on DA Exemption**

Via the EGM, the owners agreed to take legal advice regarding the need for a council Development Application to conduct the remedial works. Consequently Colin, Biggers, and Paisley Lawyers have advised that the proposed works meet the requirements of exemption from Council Development Applications, although with three notes:

First, *the Fire Order must be resolved before remedial works can begin.*

Second, it may be challenging to design the atriums to meet both the current regulations and satisfy the “like-for-like” requirement of a DA exemption. A DA would add significant delay and expense.

Third, is an academic point of interest mostly to lawyers. They draw attention to current vulnerabilities in the legal landscape around spalling works:

- The law declares that spalling works are ‘structural changes’ which require a DA.
- NSW have released both a SEPP (State Environmental Planning Policy) and a “Fact Sheet” effectively declaring that this law does not require a DA.
- So, if anyone were sufficiently motivated to pursue the issue in court they’d have a case. Case law is a valuable contribution to community, but very expensive for the individuals in question. The wisdom is to ensure we do not sufficiently motivate anyone to test the above discrepancy.

### **Fire Order**

After playing hardball and calling in some big guns (the project managers, FFM and Glandore, know people), we are, finally, making progress, with EBS Consulting, toward finalising the fire order which was imposed in 2013. It’s been a long haul but we may now be in the final months. We thank residents for their patience with the recent inspections and to past committees for bringing us to the doorstep.

To clear any confusion over the two inspections just passed, the first was for a routine Annual inspection (ie. maintenance items) and the second was for the Fire Order (overarching fire solution items). For the final fire solution there remains work to do in top floor units between roof and ceilings to ensure there is adequate fire separation between the units sharing a roof and, as always, still more door replacements (stairwells).

ABS are currently on schedule to complete the works within, or close to, the 21 June 2025 deadline. Please ensure you, or your tenants, are cooperative granting access to ensure we meet the deadline.

### **Structural Design Engineers**

Structural engineers will design and supervise the concrete cancer repairs, the removal of the planter box walls, ensure adequate structural support of the outer balcony walls, and all the steel structures (ie window lintels). They will ensure that the design and build is compliant with all the building regulations. They do not do the works: they design, supervise, and sign-off. Note that, due to the urgency and expense, we have abandoned previous advice to remove all the brick balcony walls and replace them with glass.

To pick a structural engineer, Glandore invited submissions from four Consultants: Van Der Meer, ACOR, Nastasi, and Rise Consultants. After meeting each, using their experience and contacts and adjusting for industry tricks they compiled an 'apples-for-apples' comparison between each proposal. They recommend Rise Consulting as the structural engineers. The committee have accepted their recommendation and resolved to commit to Rise Consulting for the preconstruction phase. The estimated fees for pre-construction is around \$30,000. An additional \$50,000 of fees is expected if we continue with them during construction.

### **Waterproofing Design Engineers**

Next in line is to secure specialist engineers to design and certify the rewaterproofing of the balconies. Glandore are now researching suitable candidates for invitations to make a proposal.

### **Time and place. Where are we?**

The Fire Order is the number one priority as no work can take place until that is resolved.

Nonetheless, we are into the pre-construction and design phase. A tendering phase will follow, then construction and post-construction phases.

In this design phase we are identifying and engaging engineers to design solutions to our problems. To date, we have completed Town Planning advice from Colin Biggers Paisley, and engaged Rise Consultants to consult on spalling and to redesign the balcony walls. We are currently on the hunt for a waterproofing expert to design and to certify the waterproofing of the balconies and balcony hobs and doors.

Then we engage glaziers for the doors and windows, we may need a surveyor at some point, and also a quantity surveyor to assist with estimates. Yet more consultants may be called upon for specialist knowledge on how to manage moisture in 'the void' under Building B and to review the overall site drainage. We anticipate resolving the fire order and conducting the design phase will keep us busy until September this year.

At the tendering phase the entire design will be pulled together as a package and put to tender to principal contractors. A principal contractor will be selected for construction and an independent superintendent engaged to ensure that the subcontractors build to the design. We hope to have a principal contractor engaged before the end of year.

If it all panned out thus, works onsite would commence in February 2026, or perhaps even late 2025. Are you ready?

### **The Budget**

Before 2026 is over we can expect to invest a per-lot average of up to \$250,000 on works.

In 2016, Sutech quoted \$7 million to complete a scope of works which did not include the atriums. Construction work does not get cheaper with time. It's now 9 years since that quote. On 31 March 2025, the capital works fund stood at \$0.08 million.

The budget for the current scope of works is \$8-10 million. That budget will: resolve the fire order, remediate the concrete spalling on the common property, repair the brickwork (flashings, ties, weep-holes, pointing), remove the planters, fortify the balcony walls, waterproof and re-tile the balconies, replace the glass atriums, replace the doors and windows, and attend to site drainage and moisture levels.

Recent legislative changes apply a mandatory obligation upon the owners corporation to maintain the buildings. There is little in the current scope which falls outside those mandatory obligations. We do have control over how quickly or slowly to do this: fast is typically cheaper than slow.

### **Existing balcony renovations**

There are six lots which have renovated balconies. Before these works begin, we must resolve whether, or not, they are part of the works and who is responsible for what thereafter.

## **Regular Business**

### **Renovations: U27**

Will commence building works at the end of this month, April 2025. Expect some noise, dust, and workmen.

### **Minor Renovations: Air conditioning U3**

The air conditioning requests continue. This month U3 was approved subject to reusing their existing brickwork penetrations.

### **Front Garden**

Frustratingly no further progress. We accepted a cheap quote for the work of shifting the excess dirt but the company stopped responding when we asked for proof of licenses and insurances. If you're keen for a day of community spirit and unpaid labour, contact Leigh Brain.

### **Cleaners**

We got the quote back from an alternative cleaning services provider and it was more than double what we currently pay. So an owner, not on the committee, has taken up the challenge of seeing if we can lick the current guys into shape. We will give them a chance to shape up. The regular sore point of out-of-reach cobwebs will be resolved by purchasing a long brush and storing it onsite. The lower toilets are also in scope. If we're still unhappy in a couple of months then we will have to take our business elsewhere.

### **Garage Parking and Security**

We remind all owners and residents that even if you have two vehicles, or your parking spot is full of storage, you have agreed not to park in the visitor parking. Special ByLaw 17 states that, simply by entering the garage, you agree that if you break the rules your vehicle may be immobilised without notice and an arbitrary fine payable to the owners corp to secure it's release. Please ensure your entire vehicle is within your boundary lines.

A round of parking notices to frequent offenders appears to have alleviated the visitor parking situation for now.

Camera's are still endlessly being discussed. It is proving difficult to find a provider willing to do such a small job as one to three cameras. And under the workload of remedial works, there is little time in the day to pursue all the relentless odds and ends.

### **Slippery Paths**

Would anyone like to apply a high pressure blaster to the paths? The path to Building B is getting treacherous. It is too small a job to get much commercial interest. We can reimburse you for the expense of hiring one. Contact Leigh or myself.

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