



Removal of Pebbles on Apartment Balconies – AGM Agenda Item

Background

Apartments at Mondrian vary in their individual designs, but a feature common to all apartments above ground level is that the flooring surface of the balcony areas comprises both a timber decked area and an area of white pebbles. This feature is part of the original Mondrian design and is distinctive to our building.

In the past year 3 incidents have been recorded of pebbles falling from upper level balconies and in some cases damaging furniture in ground floor courtyards. The reasons for the stones falling have been extensively discussed. These range from stones pushed over the edge by a dog to careless behaviour at parties, but in each instance it has been difficult to obtain absolute proof of the cause.

That said clearly pebbles would not have been displaced over the edge without some intervention. Legal advice has been obtained around this specific issue which indicates that the Owners Corporation would not be liable for any damage or injury, unless it could be proved that there has been negligence in the maintenance of common property. In this instance there is no evidence of such negligence.

Nevertheless the Owners Corporation is aware that it does have a common law duty of care and to this end has taken the following action in respect of recent incidents:

- Notified residents of the need to check their balconies for pebbles dangerously near the edge
- Instructed the Building Manager to inspect the balconies of apartments directly above where incidents occurred.
- Engaged Integrated Consultancy Group to report on the risks associated with pebble areas and opportunities for hazard mitigation.

The Report of Integrated Consultancy Group

The report involved the inspection of a sample of 6 apartment balconies with a cross section of balustrade arrangements – metal railing, glass panel above pebbles, glass panel extending below balcony.

The full report is available to Owners in the secure section of the Mondrian website. To quote part of the summary:

“ The addition of the pebbles on all the balconies viewed presents a hazard to some degree. One could argue, so does the inclusion of potted plants and the like. However, either through accident or intention, pebbles can cause damage or injury if they fall from any great height. If left alone the pebbles do not present any major hazard unless affected by human intervention”.

The Options for Owners to Consider

The various options canvassed were:

1. Lower the level of the pebbles below the balcony lip. This would involve the removal of excess pebbles and would reduce the possibility of pebbles being kicked over the edge. Sufficient pebbles would remain to maintain adequate cover and the current look. Initial estimates indicate that it could cost up to \$44,000 to perform the work on the 97 lots which the building manager estimates are affected.



2. Lower the level of the pebbles and cover with wire mesh. Clearly this further reduces the possibility of pebbles falling but comes at a greater cost, estimated at \$209,000. This option has aesthetic consequences.
3. Lower the level of the pebbles and cover with Perspex. This has an effect similar to the option for wire mesh covering, but comes at an estimated cost of \$337,000.
4. Remove the pebbles in their entirety and extend the timber decking into the vacant space at an estimated cost of \$337,000.
5. Take no further action in respect of the pebbles but periodically warn of the need to check for pebbles near balcony edges.

Estimated costs are a guide only and if the work goes ahead, it would be subject to Mondrian's quoting & tendering processes.

Two further options were discussed with the consultant:

1. Replace with a smaller size gravel
2. Apply epoxy adhesive to the pebbles

Both of the above options were discounted on the basis that smaller sized gravel would be easier for animals or others to dislodge and that a solution with adhesive would be only temporary.

Making the Choice

The options are listed on the AGM agenda and will be voted on in the order listed until the required majority of votes is attained.

The various options have been discussed at Executive Committee level and the balance of opinion favours Option 1 - the reduction of the volume of pebbles.

Whilst this does not eliminate the hazard entirely, it is seen as an appropriate response to past events and the nature of the problem – the facility for careless behaviour to lead to pebbles being dislodged over the balcony edge.

The cost of this work could be of the order of \$44,000 (incl GST) although every effort will be made to reduce this by recycling surplus pebbles etc.

Voting at the Annual General Meeting "AGM"

As an "alteration" to common property action must be agreed to by a Special Resolution of Owners. As the choice owners will make is unknown, the cost cannot be budgeted for and it will be necessary for Owners to pass a resolution for the required Special Levy to cover the cost of the option chosen. By way of example \$44,000 equates to a Special Levy of approx \$300 for an "average" sized lot.

Please be aware that because this is a common property works item all Mondrian lot owners must share the cost although the work relates only to upper level lots.

View the Report

If you would like to view the full Balcony Pebble Report, go to www.MondrianWaterloo.com.au, click on the Owners tab and log in using your lot no. and password (obtainable from the Strata Manager stacey.longley@strataplus.com.au or guy.beresford@strataplus.com.au)