

The agenda for this meeting was deliberately hidden by Bannermans Lawyers, Waratah Strata Management, and Mr. Stan Pogorelsky to NCAT in case 2024/00454780 on 20 March 2025. Applicant is highlighting it to show to what extent strata managers and committee members went to ensure non-compliance with strata laws and regulations in regards to organising meetings and managing SP52948. Instead of proving quality of their work to NCAT, they did the opposite: the below evidence proves persistent misconduct and dysfunctional operation of SP52948 (meetings were not sent to all owners, did not have detailed agenda, and hid long-term fire safety non-compliance orders issued by City of Ryde Council). More than 30 ordinary committee and general meetings failed to comply with strata laws since Waratah Strata Management took office on 1 February 2017:

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-organised-non-compliant-ordinary-committee-meetings-since-1Feb2017.html>

<https://www.nswstratasleuth.info/SP52948-year-2025/NCAT-2024-00454780-non-compliant-meetings-in-SP52948-evidence.pdf>

Meeting Details	Calculation of delivery
Notice of AGM on 30 September 2019 not listed in Mr. Pogorelsky's witness statement as submitted by Bannermans Lawyers on 20 March 2025, with premeditated and deliberate intentions to hamper Tribunal investigations	<p>30 September 2019, agenda created at 15:47 hours, Day of Notice, postage date not included</p> <p>1 October 2019, First Working Day</p> <p>2 October 2019, Second Working Day</p> <p>3 October 2019, Third Working Day</p> <p>4 October 2019, Fourth Working Day</p> <p>5 October 2019, Saturday</p> <p>6 October 2019, Sunday</p> <p>7 October 2019, Labour Day (public holiday)</p> <p>8 October 2019, Fifth Working Day</p> <p>9 October 2019, Sixth Working Day</p> <p>10 October 2019, Seventh Working Day, notice effective</p> <p>11 October 2019, First Notice Day</p> <p>12 October 2019, Second Notice Day</p> <p>13 October 2019, Third Notice Day</p> <p>14 October 2019, Fourth Notice Day</p> <p>15 October 2019, Fifth Notice Day</p> <p>16 October 2019, Sixth Notice Day</p> <p>One Notice Day missing!</p> <p>17 October 2019, Date of Meeting, not counted</p>

1) The “postal” rule which used to provide that a document served by post was deemed served on the fourth (4th) working day, was amended to now provide that a document is deemed served on the seventh (7th) working day after the day of postage. This amendment was effected by Schedule 1.18 of the Justice Legislation Amendment Bill (No 3) 2018 (NSW) which amends section 76(1)(b) of the Interpretation Act 1987 (NSW) (“IA”) and was assented to on 28 November 2018.

Under the Strata Schemes Management Act, 2015 (NSW), the notice period for a general meeting (other than the first) is seven (7) days. In addition to this seven (7) day period, allowance must also be made for the postal rule, which is a further seven (7) day period. The day of postage cannot be included nor can the day of the meeting itself (Section 36 of the IA) – in other words, those days must be left clear and not be counted in either the postal or strata period. The seven (7) day postal rule is for seven (7) working days – working days are not public holidays, bank holidays in the state to which the agenda applies, Saturdays or Sundays.

2) Extract from 976-page witness statement by unfinancial committee member Mr. Stan Pogorelsky on 20 March 2025, where he also claimed he was authorised by the owners corporation to make the statements on its behalf:

WITNESS STATEMENT

I, Stan Pogorelsky, make the following statements:

1. I am a co-owner of lot 181 in strata scheme 52948 (the “**Scheme**”). I am a current member of the strata committee for The Owners – Strata Plan No. 52948 (“**owners corporation**”) and have been since in or around 1999.
2. The Scheme is located at 1-15 Fontenoy Road, Macquarie Park NSW 2113 and comprises of 218 residential lots.

(See attachment “1” common property title search for registered strata plan 52948)

(See attachment “2” registered by-laws for the scheme)

(See attachment “3” registered strata plan)

3. I am authorised by the owners corporation to make this statement on its behalf.
4. I made this statement from my own knowledge and belief, save where otherwise stated.
5. The current strata managing agent of the Scheme is Waratah Strata Management.

(See attachment “4” strata management agency agreement dated 27 October 2022)

2.1) This conflicted with decisions at committee meeting on 6 January 2025:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-minutes-EC-meeting-6Jan2025-published-15Jan2025.pdf>

Motion 2	
Election of Office Bearers	Ordinary Resolution Submitted by Strata Committee
THAT the office bearers positions for chairperson, treasurer & secretary will be nominated and elected.	
MOTION DEFEATED	

Motion 4 Alternatives	
Alternatives for Appointment of Emergency Contact	Motion Alternatives Submitted by Strata Committee
(Option A) The Strata Managing Agent. (Option B) The Chairperson. (Option C) The Secretary. 'OPTION A' has been selected with the highest votes.	

Motion 5	
Record Chairperson's Details on NSW Strata Hub	Ordinary Resolution Submitted by Strata Committee
THAT the Chairperson's contact information be recorded on the NSW Strata Hub. (Please note, if motion is carried the chairperson's name and email address will be uploaded to Strata Hub and they will receive automatic system emails from NSW Strata Hub. If motion is defeated, the strata managing agent's details will be uploaded and they will receive these emails.)	
MOTION DEFEATED	

Motion 6	
Record Secretary's Details on NSW Strata Hub	Ordinary Resolution Submitted by Strata Committee
THAT the secretary's contact information be recorded on the NSW Strata Hub. (Please note, if motion is carried the secretary's name and email address will be uploaded to Strata Hub and they will receive automatic system emails from NSW Strata Hub. If motion is defeated, the strata managing agent's details will be uploaded and they will receive these emails.)	
MOTION DEFEATED	

Motion 9	
Bannermans Costs Agreement	Ordinary Resolution Submitted by Strata Committee
<p>The owners corporation/ strata committee resolves to:</p> <ol style="list-style-type: none"> 1. Engage Bannermans, Lawyers in accordance with its fee proposal dated 23 December 2024 to undertake the activities referred to defend NCAT proceedings against _____ and _____ 2. That the strata committee service as point of contact to provide the owners corporation's instructions to Bannermans Lawyers or if leave is not granted for Bannermans to legally represent, for that the Committee to appear with the support of Bannermans. 	
MOTION RESOLVED	
Closure	There being no further business, the meeting concluded at 10:30 am

Applicant asked Mr. Stan Pogorelsky and Mr. Steve Carbone to confirm or deny such allegations and they stayed silent, whilst preventing the Applicant from accessing this petition.

Mrs. Genelle Godbee, in her witness statement on 20 March 2025, confirmed this petition as “proof of owners corporation functioning satisfactorily”:

7) Statements and proof "that the owners corporation is functioning satisfactorily."

Waratah and Annexure A: 120 plus SIGNED PETITIONS (from a possible 219 residences) collected between March 10 and March 17, 2025

They organised a solicited signature gathering for a particular purpose (a petition or other legal document) through active outreach and persuasion. Their canvassing was deliberate and orchestrated that owners did not make an informed consent (crucial to ensure that individuals were aware of what they were signing and that they understood the consequences of their signature).

This is the same process unfinancial committee members ran in 2011, which was documented in Applicant's submission in Paragraph 2 of "NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-1-updated-29Jan2025" on 29 January 2025. Mr. Moses Levitt, on 17 February 2011 created a campaign:

<https://www.nswstratatsleuth.info/NCAT-2024-00454780-001/CTTT-SCS-11-00711-signature-campaign-organised-by-unfinancial-EC-member-Moses-Levitt-full-summary-17Feb2011.pdf>

Extract from his submission:

“I have no concerns regarding the administration of the affairs of our Strata Plan and believe that all involved in the management carry out their duties to a good standard, that they are honest in their Endeavour’s and that owners are regularly advised on matters affecting the property.”

2.3) In Bannermans Lawyers submission to NCAT on 12 February 2025, which Ms. Pham did not send to the Applicant and failed to comply with Tribunal Orders made on 15 January 2025, and even lied to Tribunal at Directions Hearing on 20 February 2025 that she had sent the letter to the Applicant via courier, the following was stated in Paragraph 12:

12. Paragraph 3.3 of the POC is irrelevant to the Applicant's application. In addition, there is no requirement for a strata committee member to be financial to be elected to the strata committee.

Bannermans Lawyers made this senseless statement in direct contradiction with SSMA 2015 Section 23 (8):

(4) Voting rights cannot be exercised if contributions not paid A member of the strata committee is not entitled to vote on any motion put or proposed to be put to the strata committee if the member was, or was nominated as a member by a member who was, an unfinancial owner of a lot in the strata scheme at the date notice of the meeting was given and the amounts owed by the unfinancial owner were not paid before the meeting.

Under the Strata Schemes Management Act 2015 (NSW), an owner cannot vote at a general meeting if they are "unfinancial" at the time of the meeting, meaning they have not paid all contributions and other amounts owed in relation to the lot. This rule also applies to the exercise of voting rights on the strata committee. An owner must make these payments before the meeting to be eligible to vote on motions other than those requiring a unanimous resolution.

An owner is considered unfinancial if they have outstanding contributions or other amounts (like late fees or charges) owed to the owners corporation at the time of the meeting. The restriction applies to general meetings of the owners corporation and meetings of the strata committee. An unfinancial owner cannot exercise their voting rights at the meeting. To regain their voting rights, the owner must pay all overdue contributions and any other outstanding amounts related to their lot before the meeting. The payment must be made by the meeting date to be eligible to vote on most matters.

Ms. Pham could not provide any evidence on how would Mr. Pogorelsky, or any other unfinancial owner, vote at any meeting if all contributions not paid before the meeting.

3) Waratah Strata Management, Solicitor Adrian Mueller, and committee members (under leadership of unfinancial Mr. Stan Pogorelsky) were fully aware of Lot 158 Statutory Declaration, which they refused to share with owners in NCAT case SC 20/33352.

The Statutory Declaration detailed problems with AGM 2019:

<https://www.nswstratasleuth.info/SP52948-statutory-declaration-for-NCAT-case-20-33352-which-Waratah-Strata-Management-refused-to-provide-to-owners-Aug2020.pdf>

NCAT case was a direct response to SP52948 failure to reply to O'Brien Criminal & Civil Solicitors' letter dated 24 April 2020 and decision in Motion 4 of the committee meeting dated 7 May 2020 which requested that Waratah Strata Management organises the responses through the barrister (strata manager never complied with that order):

<https://www.nswstratasleuth.info/SP52948-legal-request-to-documents-24Apr2020.pdf>

O'BRIEN CRIMINAL & CIVIL SOLICITORS

24 April 2020

Mrs. Marianna Paltikian
Secretary of Executive Committee
Owners Corporation of Strata Plan 92548

By email: [Marianna Paltikian](#)

Without Prejudice Save as to Costs

Dear Madam,

Lot 158

We act for Lot 158.

Lot 158 has provided us with material that raises serious questions as to the workings and legality of the Executive Committee (the committee) of the Owners Corporation of Strata Plan 92548.

We have been instructed by Lot 158 to commence proceedings in the NSW Civil & Administrative Tribunal (NCAT) aimed at questioning the legality of various decisions of the committee and at obtaining orders that the committee fulfill certain obligations where it has been negligent.

It would be in the best interests of all parties to resolve this situation without the need to escalate matters into the NCAT.

Legality of Committee

We are instructed that there has only ever been a maximum of eleven candidates for the committee each year since its inception. Our client has been one of those candidates on several occasions, including the last three years.

O'Brien Criminal & Civil Solicitors' letter had five requests:

- Legality of Committee
- Lot 158 Member of The Committee
- Defamation
- Mediation
- Access to Documents.

<https://www.nswstratasleuth.info/SP52948-Minutes-EC-meeting-7May2020.pdf>

- Legal advice regarding Lot 158, including acceptance of barrister fee proposal - Subject to amendments required to the content of the costs agreement, the strata manager is instructed to sign the costs agreement under common seal for and on behalf of the Owners Corporation. The barrister is also to be requested to respond to the letter received from O'Brien Criminal & Civil Solicitors on behalf of Lot 158.

4) In NCAT case SC 20/33352 Solicitor Adrian Mueller, in a premeditated manner, falsified his four-page response and acted illegally on behalf of SP52948:

<https://www.nswstratasleuth.info/SP52948-Lot-158-letter-to-NCAT-20-33352-concerns-about-Solicitor-Adrian-Mueller-1Feb2021.pdf>

Lot 158 also provided additional evidence as part of NCAT case SC 2024/00454780 on 29 January 2025, which Waratah Strata Management, Bannermans Lawyers, Solicitor Adrian Mueller, and committee members failed to refute:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-1-public.pdf>

Solicitor Adrian Mueller, even in the short outline of his response sent in email on 25 January 2021, failed to comply with Section 71 of the Civil and Administrative Tribunal Act 2013 which states that a person must not in any proceedings or application provide any information, or make any statement, to NCAT knowing that the information or statement is false or misleading.

To make his defence more vulnerable, the document that he emailed on 25 January 2021 has the following hidden metadata, showing that Solicitor Adrian Mueller deliberately kept the document undisclosed to the Applicant and NCAT until the deadline to submit it expired.

The last update of the document was 14 December 2020, whilst in the signature Solicitor Adrian Mueller put the date of 18 January 2021.

FIRST RESPONDENT'S OUTLINE OF SUBMISSIONS

Introduction

1. These outline of submissions are made on behalf of the first respondent, The Owners – Strata Plan No. 52948 (**Owners Corporation**), in relation to the Strata Schemes Application of the applicants filed on 5 August 2020 (**Strata Schemes Application**).
2. The Owners Corporation opposes the Strata Schemes Application and says that there is no basis for the Tribunal to make any of the orders that are sought by the applicants.
3. The Owners Corporation contends that the Strata Schemes Application should be dismissed with costs.

Applicants' Bundle

4. The applicants rely on a 704 page folder of documents in support of their Strata Schemes Application (**Applicants' Bundle**).
5. The Applicants' Bundle:
 - (a) is prolix, difficult to understand and in parts unintelligible;
 - (b) does not clearly articulate the basis on which the applicants apply for the orders they seek;
 - (c) is oppressive covering 704 pages of closely typed material, much of which is presented in no coherent or rational order;
 - (d) raises many spurious allegations and contains many documents which are not relevant to these proceedings;
 - (e) contains numerous allegations which:
 - (i) relate to conduct that dates back as far as 1999;

Properties

General

Fonts

Location:	file:///tmp/Respondents Outline of Submissions-25Jan2021.pdf
Author:	Karen Gillies
Producer:	Aspose.Words for .NET 18.4
Creator:	Microsoft Office Word
Created:	Mon 14 Dec 2020 00:55:00
Modified:	Thu 24 Dec 2020 00:43:00
Format:	PDF-1.5
Number of Pages:	4
Optimised:	No
Security:	No
Paper Size:	A4, Portrait (210 × 297 mm)
Contains Javascript:	No
Size:	83.4 kB

- (ii) include serious allegations of misconduct and even fraud on the part of multiple parties;

Signature of the document:

16. The Strata Schemes Application should be dismissed with costs.

Dated 18 January 2021



Adrian Simon Mueller
Solicitor for the Owners Corporation

5) Waratah Strata Management and committee members mislead the owners by hiding financial status on the day of the AGM.

In Balance Sheet, the negative balance (deficit) in Admin Fund was -\$131,852.25:

<https://www.nswstratasleuth.info/SP52948-Balance-Sheet-as-at-17Oct2019.pdf>



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ABN 75 161 033 745
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Balance Sheet As at 17/10/2019

Strata Plan 52948

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie
Park NSW 2113

	Current period	Previous year
Owners' funds		
Administrative Fund		
Operating Surplus/Deficit--Admin	(251,119.44)	(38,667.96)
Owners Equity--Admin	119,267.19	119,267.19
	(131,852.25)	80,599.23
Capital Works Fund		
Operating Surplus/Deficit--Capital Works	(119,674.87)	49,280.17
Owners Equity--Capital Works	954,786.80	954,786.80
	835,111.93	1,004,066.97
Net owners' funds	\$703,259.68	\$1,084,666.20

In Income & Expenditure statement, Admin Fund had positive balance of \$49,386.78:

<https://www.nswstratasleuth.info/SP52948-Income-and-Expenditure-Report-1Sep2019-to-17Oct2019.pdf>

181100	Reimbursements - Gas Usage	36.85	948.91
181101	Reimbursements - Water Usage	280.19	4,931.32
190200	Utility--Electricity	12,559.40	73,646.21
190400	Utility--Gas	9,709.98	19,878.72
191200	Utility--Water & Sewerage	64,377.86	48,520.32
<i>Total expenses</i>		251,555.64	743,633.04
Surplus/Deficit		(251,119.44)	181,239.03
Opening balance		300,506.22	119,267.19

17/10/2019 7:51 Web generated report Waratah Strata Management Pty Ltd Page 2

Strata Plan 52948 Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113

Administrative Fund

	Current period 01/09/2019-17/10/2019	Previous year 01/09/2018-31/08/2019
Closing balance	\$49,386.78	\$300,506.22

6) Agenda for AGM 2019 had numerous financial discrepancies:

<https://www.nswstratasleuth.info/SP52948-differences-for-income-and-expenditure-FY2018-audited-figures-provided-by-Waratah-Strata-Management-for-AGM-2018-and-FY2019.pdf>

6.1) The most important issue was the fact that audited accounts for FY 2018 listed income of \$2,537.54 for gas heating levies, but the FY 2018 listed \$0.00 income for the same year in 2019, allegedly due to ransomware attack that happened four months after the AGM:

<https://www.nswstratasleuth.info/SP52948-Economos-Audit-report-FY-ending-31Aug2018.pdf>

<https://www.nswstratasleuth.info/SP52948-Economos-Audit-report-FY-ending-31Aug2019.pdf>

Audited accounts for FY 2018 were not provided to owners before or at the general meeting on 18 October 2018. They were signed on the day of the meeting but not published even as late as 29 May 2019, and Solicitor Adrian Mueller rejected strata files access to O'Brien Criminal & Civil Solicitors, including auditor's reports for 2017 and 2018, on 14 November 2019, claiming that they were "likely not available" and asking "what was the purpose pressing for the records to be produced".

<https://www.nswstratasleuth.info/Waratah-Strata-Management-non-compliance-of-SP52948-Auditor-reports.html>

Income & Expenditure Report for the financial year to 31/08/2019

Strata Plan 52948

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie
Park NSW 2113

Note	Administrative Fund		
	Current period	Annual budget	Previous year
	01/09/2018-31/08/2019	01/09/2018-31/08/2019	01/09/2017-31/08/2018
Revenue			
Gas - Additional Service	4,775.34	2,500.00	0.00
Interest on Arrears--Admin	2,855.14	0.00	1,834.25
Key Deposits	1,948.00	2,000.00	1,005.00
5 Levies Due--Admin	914,462.09	800,000.00	760,599.43
Miscellaneous Income--Admin	0.00	0.00	10,909.09
Status Certificate Fees	545.00	0.00	1,100.90
Strata Roll Inspection Fees	286.50	0.00	257.33
<i>Total revenue</i>	<u>924,872.07</u>	<u>804,500.00</u>	<u>775,706.00</u>

6.2) AGM on 17 October 2019 did not satisfy requirements for quorum and allowed unfinancial owners to vote and be elected as committee members.

The fraud was so big that Waratah Strata Management even allowed Motion 14 to be voted before Motion 4, allowing unfinancial owners Lot 147 Mr. Moses Levitt and Lot 181 Mr. Stan Pogorelsky yet again to be elected on the committee and declined to report it in the minutes of the meeting.

Waratah Strata Management complied with plan by Solicitor Adrian Mueller to prevent Lot 158 Motions at the general meeting:

<https://www.nswstratasleuth.info/NCAT-case-20-33352-SP52948-Solicitor-Adrian-Mueller-provided-advice-to-prevent-Motions-by-Lot-158-to-be-listed-in-agenda-AGM-2018.pdf>

<https://www.nswstratasleuth.info/NCAT-case-20-33352-SP52948-Solicitor-Adrian-Mueller-provided-advice-how-to-ensure-Motions-by-Lot-158-be-ignored-effectively-coercing-owners-to-vote-against-ratification-of-past-events-AGM-2019.pdf>

6.3) Waratah Strata Management failed to provide full details of second massive data loss in two years, which happened in February 2019 due to alleged ransomware attack, where Bitcoin ransom was paid by a third-party known to Waratah Strata Management to the threat actor in the equivalent amount of \$5,052.03:

<https://www.nswstratasleuth.info/Sententia-brief-analysis-with-limited-evidence-ransomware-attack-against-Waratah-Strata-Management-undisclosed-to-owners-of-strata-plan-SP52948.pdf>

<https://www.nswstratasleuth.info/SP52948-Examples-of-Police-Waratah-Strata-Management-Solicitor-Adrian-Mueller-secret-and-desperate-attempts-to-find-another-copy-of-lost-USB-key-with-strata-files-from-BCS-Strata-Management-April-to-November-2018.pdf>

6.4) Waratah Strata Management contract renewed without tender or disclosure of contract details, and signed by two unfinancial committee members Mr. Stan Pogorelsky and Mr. Moses Levitt on same day as the general meeting.

Owners Corporation

The common seal of the owners corporation was affixed on 17 October 2019 in the presence of:

Signature	Signature	
STANLEY POGORELSKY	MOSES LEVITT	
Name	Name	
CHAIRMAN	STRATA COMMITTEE MEMBER	
Designation	Designation	

Being the person(s) authorised by section 273 of the Act to attest the affixing of the seal.

Agent

Executed by the agent in accordance with Section 126 or 127 of the Corporations Act 2001 (Cth) in the presence of:

Date	Doc Type	Plan Number	Address	Manager	Notes	Show on Portals	Portal Description	Archive Date	User Name	Document ID
17/10/2019	Agency Agreement	52948	Macquarie Gardens, 1-15 Fontenay Road, Macquarie Park NSW 2113	Frank Tallard	01/03/20 - 01/03/23	Executive		3/04/2020 4:44 PM	Robert Crooke	61503
24/10/2017	Agency Agreement	52948	Macquarie Gardens, 1-15 Fontenay Road, Macquarie Park NSW 2113	Frank Tallard		Executive		23/03/2019 10:50 AM	Leone Boulous	8056

6.5) Waratah Strata Management prevented access to many SP52948 strata documents on 31 May 2019 and Auditor Report for FY 2017 was not found.

<https://www.nswstratasleuth.info/SP52948-outcome-of-document-search-at-Waratah-Strata-Management-by-Lot-158-and-deliberate-refusal-by-strata-manager-to-provide-access-to-files-on-31May2019.pdf>

6.6) Waratah Strata Management prevented access to many SP52948 strata documents on 20 September 2019 and Auditor Report for FY 2017 was not found.

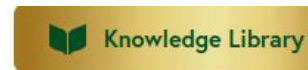
<https://www.nswstratasleuth.info/SP52948-SSMA2015-S182-Document-viewing-undisclosed-files-by-Waratah-Strata-Management-20Sep2019.pdf>

6.7) Waratah Strata Management and Solicitor Adrian Mueller prevented access to SP52948 strata documents on 14 November 2019 (letter sent to O'Brien Criminal & Civil Solicitors), including admission that Auditor Report for FY 2017 likely "was not available"; Waratah Strata Management and Solicitor Adrian Mueller ignored O'Brien Criminal & Civil Solicitors request to strata documents on 24 April 2020).

7) The meeting 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).

In public display of keeping appearances, Bannermans Lawyers are well aware of risks with time limits to send notices for general meetings (similar applies to ordinary meetings too, but with shorter time frames):

<https://www.bannermans.com.au/library/what-a-difference-a-day-makes-well-two-days-beware-of-time-limits-when-using-mail-services/>



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What a difference a day makes (well two days) – Beware of time frames for General Meetings when using mail services

POSTED 08 DECEMBER 2023

Category: [Strata](#)

Beware of time limits when placing notices for general meeting into the postal system

A recent case brought us back to basics with respect to the timeframes in which notices of general meetings must be served under the Strata Scheme Management Act 2015 ("SSMA").

Pursuant to Schedule 1 Clause 7(3) of the SSMA, different notice periods apply to different types of general meetings of the owners corporation. For annual general meetings, notice must be served on each lot owner at least 14 days before the general meeting. For general meetings other than an annual general meeting, notice of the general meeting of the owners corporation must be served on each owner at least 7 days before the general meeting. Please see below the excerpt of clause 7(2) of the SSMA:

8) As of 18 September 2025, Bannermans Lawyers, Waratah Strata Management, and three committee members who attended two Hearings on 22 April 2025 and 22 July 2025 (Mr. Stan Pogorelsky, Mr. Joe Spatola, and Mrs. Genelle Godbee) failed to respond to this evidence or refute it.

Further more, they did not address Applicant's submission on 7 July 2025, with Table of Contents shown herewith:

<https://www.nswstratasleuth.info/SP52948-year-2025/Table-of-Contents-NCAT-2024-00454780-concerns-about-procedural-errors-and-misleading-statements-6Jul2025.pdf>

9) In Mr. Pogorelsky's witness statement, which Bannermans Lawyers submitted on 20 March 2025, Tribunal was prevented from having access to details of agenda and minutes of this AGM:

Witness Statement of Stan Pogorelsky_20.03.25 (executed)-1.pdf

1

(See attachment "5" email correspondence between the Applicant and Waratah Strata Management dated 30 January 2024 to 12 February 2024)

The Scheme Functioning Satisfactorily

8. The following is a timeline of significant events that reflect that the Scheme has been functioning properly:
- A. Annual General Meetings: The owners corporation has regularly convened Annual General Meetings whereby it has considered (and resolved) motions that were relevant to the proper and satisfactory functioning of the Scheme.

(See attachment "6" notice of annual general meeting held on 22 October 2020)

(See attachment "7" minutes of annual general meeting held on 22 October 2020)

(See attachment "8" notice of annual general meeting held on 28 October 2021)

(See attachment "9" minutes of annual general meeting held on 28 October 2021)

(See attachment "10" notice of annual general meeting held on 27 October 2022)

(See attachment "11" minutes of annual general meeting held on 27 October 2022)

(See attachment "12" notice of annual general meeting held on 26 October 2023)

(See attachment "13" minutes of annual general meeting held on 26 October 2023)

(See attachment "14" notice of annual general meeting held on 28 November 2024)

(See attachment "15" minutes of annual general meeting held on 28 November 2024)

10) Major contributor at this AGM was unfinancial committee member Mr. Stan Pogorelsky, who did not pay his full gas heating levies since 1999:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Stan-Pogorelsky-efforts-to-avoid-paying-gas-heating-levies-Apr2025.pdf>

10.1) Mr. Pogorelsky published two versions of his alleged payments for gas heating levies (both containing lot of misleading and false statements), and both of those documents were never shared with owners.

10.2) Version Mr. Pogorelsky sent to then-Chairperson Bruce Copland and BCS Strata Management on 10 June 2015:

<https://www.nswstratasleuth.info/SP52948-Lot-181-gas-levy-payments-self-assessment-miscalculated-10Jun2015.png>

Stan Pogorelsky			
Gas Charges paid by S & T Pogorelsky on unit 181 - SP52948			
From 1999 to 2018			
Date Paid	Period applicable	\$	
1999	1/9/99 to 31/8/2000		Moved in 1/11/98
2000	23/08/2000	100.00	
2001	1/08/2001	50.00	
2002	21/07/2002	55.00	\$50+\$5GST
2003	31/07/2003	55.00	
2004	1/11/2004	55.00	
2005	1/11/2005	55.00	
2006	1/11/2006	55.00	
2007	1/11/2007	55.00	
2008	1/11/2008	55.00	
2009	26/10/2009	55.00	
2010	24/10/2010	55.00	\$55 Credit on 1/2/11 and Debit \$55 on 2/5/11
2011	7/11/2011	55.00	
2012	1/9/12 to 31/8/13		Not billed by BCS
2013	1/9/13 to 31/8/14		Not billed by BCS
2014	1/08/2014	55.00	
2015	1/09/2015	311.66	See below
2016	3/11/2015	55.00	From our AGM in November 2014 new rate is \$50+\$5 per quarter and should be billed quarterly on BCS statement to unit holders
	1/02/2016	55.00	
	2/05/2016	55.00	
	1/08/2016	18.34	In summary I owe you \$110.00 for 2012 and 2013. And \$18.33 x 2 = \$36.66 for Sept & Oct 2014
	20/09/2016	36.66	Overpaid
2017	1/05/2017	220.00	Billed by Waratah
			As well you should have billed me for gas usage in
			Quarter 1/11/14 to 31/01/15 55.00
			Quarter 1/02/15 to 30/04/15 55.00
			Quarter 1/05/15 to 31/07/15 55.00
			Quarter 1/08/15 to 31/10/15 55.00
			220.00
			Less what you charged for 2014 55.00
			165.00
			Paid by me
			So I owe you \$110 + \$36.66 + \$165 = \$311.66 which will take me up to Quarter ended 31/10/15. Paid on 29/6/15
Please invoice (email to me) me for these charges so that this matter can be put to rest.			

10.3) Version sent to NCAT on 17 March 2025, when Mr. Pogorelsky was forced by Lot 158 to respond to summonses:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Stan-Pogorelsky-self-calculated-payments-for-gas-heating-levies-17Mar2025.png>

ANNEXURE A

EX G

Period From	Period To	Date Due	Amount Owning	Short Paid	Period	Date Paid	Amount Paid	Days overdue	Total Interest	Notice Details
		(Invoiced)								
01-09-99	31-08-01	23-08-00	\$100.00		Per Annum	23-08-00	\$100.00	0	\$0.00	
01-09-01	31-08-02	01-08-01	\$50.00		Per Annum	01-08-01	\$50.00	0	\$0.00	
01-09-02	31-08-03	21-07-02	\$55.00		Per Annum	21-07-02	\$55.00	0	\$0.00	
01-09-03	31-08-04	31-07-03	\$55.00		Per Annum	31-07-03	\$55.00	0	\$0.00	
01-09-04	31-08-05	01-11-04	\$55.00		Per Annum	01-11-04	\$55.00	0	\$0.00	
01-09-05	31-08-06	01-11-05	\$55.00		Per Annum	01-11-05	\$55.00	0	\$0.00	
01-09-06	31-08-07	01-11-06	\$55.00		Per Annum	01-11-06	\$55.00	0	\$0.00	
01-09-07	31-08-08	01-11-07	\$55.00		Per Annum	01-11-07	\$55.00	0	\$0.00	
01-09-08	31-08-09	01-11-08	\$55.00		Per Annum	01-11-08	\$55.00	0	\$0.00	
01-09-09	31-08-10	26-10-09	\$55.00		Per Annum	26-10-09	\$55.00	0	\$0.00	
01-09-10	31-08-11	24-10-10	\$55.00		Per Annum	24-10-10	\$55.00	0	\$0.00	
01-09-11	31-08-12	07-11-11	\$55.00		Per Annum	07-11-11	\$55.00	0	\$0.00	
01-09-12	31-08-13	01-08-14	\$55.00		Per Annum	01-08-14	\$55.00	0	\$0.00	Issued 3/7/14 showing period 1/9/14 - 31/8/15
01-09-13	31-11-13	29-06-15	\$55.00		Per Quarter	29-06-15		0	\$0.00	Issued 17/7/15 - Due 1/8/15 - Paid 29/6/15?
01-12-13	28-02-14	29-06-15	\$55.00		Per Quarter	29-06-15		0	\$0.00	Issued 17/7/15 - Due 1/8/15 - Paid 29/6/15?
01-03-14	31-05-14	29-06-15	\$55.00		Per Quarter	29-06-15		0	\$0.00	Issued 17/7/15 - Due 1/8/15 - Paid 29/6/15?
01-06-14	31-08-14	29-06-15	\$55.00		Per Quarter	29-06-15		0	\$0.00	Issued 17/7/15 - Due 1/8/15 - Paid 29/6/15?
01-09-14	30-11-14	29-06-15	\$55.00		Per Quarter	29-06-15		0	\$0.00	Issued 17/7/15 - Due 1/8/15 - Paid 29/6/15?
01-12-14	28-02-15	29-06-15	\$55.00		Per Quarter	29-06-15	\$311.66	0	\$0.00	Issued 17/7/15 - Gas usage up to 31/10/15
		29-06-15				01-08-16	\$18.34	399	\$2.00	Part Paid Late
01-03-15	31-05-15	03-11-15	\$55.00		Per Quarter	03-11-15	\$55.00	0	\$0.00	Issued 25/9/15 - Due 1/11/15 - Paid 3/11/15
01-06-15	31-08-15	01-02-16	\$55.00		Per Quarter	01-02-16	\$55.00	0	\$0.00	Issued 30/12/15 - Due 1/2/16 - Paid 1/2/16
01-09-15	30-11-15	02-05-16	\$55.00		Per Quarter	02-05-16	\$55.00	0	\$0.00	Issued 24/3/16 - Due 1/5/16 - Paid 2/5/16
01-12-15	28-02-16	01-08-16	\$55.00	\$55.00	Per Quarter	30-08-19		1124	\$16.94	Shortpaid - Assume to be paid on 30/8/19
01-03-16	31-05-16	20-09-16	\$55.00		Per Quarter	20-09-16	\$36.66	0	\$0.00	
01-06-16	31-08-16	20-09-16	\$55.00	\$18.34	Per Quarter	30-08-19		1074	\$5.40	Shortpaid - Assume to be paid on 30/8/19
01-09-16	31-08-17	01-05-17	\$55.00	\$55.00	Per Quarter	30-08-19		851	\$12.82	Not Paid - Assume to be paid on 30/8/19
01-09-16	31-08-17	01-05-17	\$220.00		Per Annum	01-05-17	\$220.00	0	\$0.00	
01-09-17	31-08-18	11-05-18	\$220.00		Per Annum	11-05-18	\$220.00	0	\$0.00	
01-09-18	31-08-19	01-05-19	\$220.00		Per Annum	01-05-19	\$220.00	0	\$0.00	
	Total Due		\$2,075.00	\$128.34		Total Paid	\$1,946.66	Shortpaid	\$128.34	
								Interest	\$7.86	
								Total	\$136.20	Paid 8/10/19
01-09-19	31-08-20	27-03-20	\$220.00		Per Annum	01-05-20	\$220.00			
01-09-20	31-08-21	18&19/03/21	\$270.00		Per Annum	03-05-21	\$270.00			
01-09-21	31-08-22	29-03-22	\$270.00		Per Annum	02-05-22	\$270.00			
01-09-22	31-08-23		\$270.00		Per Annum	01-05-23	\$270.00			
01-09-23	31-08-24		\$270.00		Per Annum	01-05-24	\$270.00			
			\$1,300.00				\$1,300.00			

Notes:

02-08-00 EC Meeting set charge at \$50.00 per annum. From 2002 increased to \$50 + GST per annum (Copy Attached)
 07-08-00 R&H issue invoices 1/9/99 - 31/8/01 \$100 for 2 years
 17-10-12 AGM approved By-Law. No mention of amount.
 27-11-13 EC Meeting confirmed charge at \$50.00 + GST per quarter.
 14-04-14 R&H issue letter confirming \$220 p.a. incl GST.
 16-03-17 EC Meeting set charge at \$200 + GST per annum from 1/9/17.
 EC Meeting set charge at \$270 + GST per annum from 1/9/20.

Stan Pogorelsky

11) Agenda was created on 30 September 2019 at 15:47 hours, possibly too late to be sent by post on the day:



Waratah Strata Management
Admin 75 161 037 745
PO Box 125, Eastwood, NSW 2122
Ph (02) 9114 9599
Fax (02) 9114 9598
www.waratahstrata.com.au

NOTICE OF AN ANNUAL GENERAL MEETING
THE OWNERS - **STRATA PLAN 52948**

ADDRESS OF THE STRATA SCHEME:
Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113

DATE, PLACE & TIME OF MEETING: An Annual General Meeting of The Owners - Strata Plan 52948 will be held on **17/10/2019 at the Gardenia Room, North Ryde Golf Club, Twin Road, North Ryde. The meeting will commence at 06:00 PM.**

AGENDA:

- Record commencement time.
- Record chairperson.
- Record persons present to vote.
- Record proxies and company nominees.
- Record persons in attendance.
- Record apologies.

MOTIONS:

- 1 MINUTES**
That the minutes of the previous general meeting of the owners corporation be confirmed and account of the proceedings of that meeting.

- 2 CHAIRMAN'S REPORT**
That the Chairman's Report be tabled and discussed.

- 2 FINANCIAL STATEMENTS**
That the attached statements of key financial information for the administrative fund and works fund, together with the relevant auditor's report (if adopted at the last annual general meeting for the period ended 31/08/2019 be adopted.

Explanatory Note: In previous years the Owners Corporation has entered accrual adjustments for items such as levies due and some major expenses. These accrual adjustments made to alter the timing of income and expenses to reflect the financial period to which they are closely related, rather than the financial period in which they were actually received. A decision has been made this year by the strata manager and strata committee to cease entering accrual adjustments so that income and expenses are reflected in the actual financial year in which they fall, unless there is an exceptional item, such as a major insurance claim outstanding at the end of the financial year. This has resulted in some income and expenses appearing to be substantially different to the budget for the current year. Adjustments have been made to the coming years budget to reflect these changes. These changes have been reviewed by the Auditors and commented on in the audit report.

- 3 AUDITOR**
That an auditor be appointed to audit the accounts and financial statements of the owners corporation.

Properties

General Fonts

Location: file:///tmp/SP52948-agenda-for-AGM-scheduled-for-17Oct2019-sent-on-30Sep2019.pdf

Producer: iTextSharp™ 5.4.3 ©2000-2013 1T3XT BVBA (AGPL-version)

Created: Mon 30 Sep 2019 15:47:08

Modified: Mon 30 Sep 2019 15:47:08

Format: PDF-1.4

Number of Pages: 115

Optimised: No

Security: No

Paper Size: A4, Portrait (210 × 297 mm)

Contains Javascript: No

Size: 2.4 MB

12) Bannermans Lawyers and Waratah Strata Management deliberately hampered NCAT investigations whilst profiteering through unnecessary delays of presenting evidence.

In addition, they deliberately prevent Applicant's access to strata files to help with these events:

- Police Events 174560202 and E65804633 for five fraudulent insurance claims and forgery of statements in Statutory Declaration to CTTT in case SCS 12/32675 on 19 April 2013, forgery of signature on Mueller's Standard Costs Agreement, Affidavit to District Court in February 2014, forgery of statements and invoices to NCAT and Supreme Court in case SC 20/33352 in 2022) as orchestrated by Solicitor Adrian Mueller.
- NSW Fair Trading complaint 11317277 (escalation to NSW Fair Trading Commissioner Natasha Mann).
- NSW Fair Trading case C2025/7500 - Matters Involving Waratah Strata Management Pty. Ltd.
- Office of Legal Services Commissioner's case CAS016659 for Solicitor Adrian Mueller misconduct and criminal actions.
- Case PSD2024_58792 with The Law Society of NSW for Solicitor Adrian Mueller misconduct and criminal actions, as referred by the Office of Legal Services Commissioner.
- Office of Legal Services Commissioner's case CAS022167 for Solicitor Ms. Jennifer Pham misconduct (even they could not force Ms. Pham to provide evidence of her legal engagement).
- Case PSD2025_61759 with The Law Society of NSW for Solicitor Ms. Jennifer Pham misconduct, as referred by the Office of Legal Services Commissioner (even they could not force Ms. Pham to provide evidence of her legal engagement).
- Dubious ransomware attack against Waratah Strata Management with secret Bitcoin payment in amount of \$5,052.03 and refusal by the Respondents to co-operate in CIRS-20190810-40.
- Australian Taxation Office case 2410206414046.
- Australian Competition & Consumer Commission case 345200.
- City of Ryde issued yet another warning about fire safety non-compliance on 31 March 2025.
- Significantly underinsured complex by \$23,522,500.00 for buildings in March 2025 with secret insurance commissions in amount of \$13,750.00.
- Two fresh cases initiated with Office of Legal Services Commissioner and The Law Society of NSW for Solicitor Ms. Jennifer Pham misconduct in August 2025.

13) As of 18 September 2025, Bannermans Lawyers, Waratah Strata Management, and committee members failed to provide details of current contract with Uniqueco Property Services, in non-compliance with Tribunal orders on 22 April 2025 and 22 July 2025

<https://www.nswstratasleuth.info/SP52948-year-2025/NCAT-case-2024-00454780-Hearing-Orders-22Apr2025.webp>

<https://www.nswstratasleuth.info/SP52948-year-2025/NCAT-2024-00454780-Hearing-Orders-22Jul2025.webp>

On 22 April 2025 the following orders (and/or directions) were made:

- 1 The hearing is adjourned to a date and time to be confirmed by the registrar
- 2 The applicant's application to revoke the leave granted to the respondent on 20 February 2025 to be represented is dismissed.
3. Pursuant to s 188 of the SSM Act, the respondent is to produce for visual inspection at the Strata Manager's office the Building Manager's Contract dated 1 February 2024 on or before 6 May 2025.
4. The respondent is to advise the applicant whether there is any correspondence available for inspection between the Strata Manager and the OC's auditor for the period 2017 to 2024 on or before 6 May 2025.
5. The respondent is to make available for inspection to the applicant details of income and expenditure for the period 2017 to 2024 on or before 6 May 2025.

N Vrabac, Senior Member

Issued: 22 April 2025



On 22 July 2025 the following orders (and/or directions) were made:
By consent,

- 1 The hearing is adjourned to a date and time to be confirmed by the registrar.
2. The time is extended for the respondent to comply with direction 3 of the orders made by the Tribunal on 22-Apr-2025 to 12-Aug-2025.
3. The time is extended for the respondent to comply with direction 5 of the orders made by the Tribunal on 22-Apr-2025 to 12-Aug-2025.

N Vrabac, Senior Member

Issued: 22 July 2025

