

Motion: Ratify SP52948 repayments in amount of \$28,545.69 (GST excl) to insurance companies for legal costs of Solicitor Adrian Mueller in 2017, 2022, and 2023, repayment to insurance company in amount of \$1,574.00 (GST excl) for water leak damages which were below excess threshold in FY 2022, rejected claim by insurance company in amount of \$13,497.00 in 2021 for sunroom window frame of Lot 190 destroyed by strong winds on 30 November 2020 with owners corporation carrying out additional costs of \$12,270.00 for repairs in Lot 190, and legal documents related to past engagements of Solicitor Adrian Mueller

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) In 2017, 2022, and 2023, SP52948 was forced to repay total of \$28,545.60 (GST excl) to insurance companies for legal costs by Solicitor Adrian Mueller.

c) SP52948 was forced to repay \$8,800.00 to insurance company for Solicitor Adrian Mueller's legal costs in CTTT cases SCS 12/32675 and 12/50460 that occurred in 2012 and 2013. CHU Insurance requested repayment on day of AGM on 26 October 2016, which BCS Strata Management failed to report to owners, and CHU then sent second notice to Waratah Strata Management on 11 January 2017, which Waratah Strata Management complied two months later on 23 March 2017.

d) 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 in FY 2023 (Item 169400 Maint Bldg – Insurance Repairs &/or Excess).

e) 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 in FY 2022.

f) SP52948 was forced to repay \$1,574.00 (GST excl) for water leak damages which were below excess threshold in FY 2022 (Item 169400 Maint Bldg – Insurance Repairs &/or Excess).

g) Insurance claim in amount of \$13,497.00 was rejected by SUU in 2021 (it was related to window frame being blown by strong winds from level 7 in sunroom of Lot 190 of Block A on 30 November 2020).

h) SP52948 paid more than \$12,270.00 for repairs related to window frame being blown by strong winds from level 7 in sunroom of Lot 190 on 30 November 2020.

i) BCS Strata Management and Waratah Strata Management did not allow owners to access voluminous legal evidence, including:

<https://www.nswstratasleuth.info/SP52948-scanned-submission-with-Statutory-Declaration-Lot-158-SCS-13-50737-18Dec2013.pdf>

<https://www.nswstratasleuth.info/District-Court-case-13-360456-Lot-158-Affidavit-ignored-by-Solicitor-Adrian-Mueller-4Feb2014.pdf>

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

<https://www.nswstratasleuth.info/SP52948-six-versions-of-Solicitor-Adrian-Mueller-alleged-legal-costs-in-NCAT-case-SC-20-33352.html>

<https://www.nswstratasleuth.info/Lot-158-submission-to-court-strong-case-for-Solicitor-Adrian-Mueller-being-accessory-before-and-after-insurance-fraud-five-times-CTTT-12-32675-and-NCAT-20-33352.pdf>

https://www.nswstratasleuth.info/Submission-to-Supreme-Court-CAS006791_1-Questions-on-Validity-of-Solicitor-Adrian-Mueller-Legal-Cost-Items-NCAT-20-33352.pdf

<https://www.nswstratasleuth.info/Tribunal-ignored-voluminous-concerns-and-irrefutable-evidence-of-repetitive-misconduct-of-Solicitor-Adrian-Mueller-in-NCAT-case-20-33352-Apr2021.pdf>

<https://www.nswstratasleuth.info/SP52948-premeditated-plan-by-Solicitor-Adrian-Mueller-to-prevent-Applicant-Motions-and-disallow-owners-to-vote-at-AGM-2017.pdf>

<https://www.nswstratasleuth.info/SP52948-premeditated-plan-by-Solicitor-Adrian-Mueller-to-prevent-Applicant-Motions-and-disallow-owners-to-vote-at-AGM-2018.pdf>

https://www.nswstratasleuth.info/Brief-evidence-of-Solicitor-Adrian-Mueller-involvement-in-fraudulent-activities-in-CTTT-case-SCS-12_50460.pdf

https://www.nswstratasleuth.info/Brief-evidence-of-Solicitor-Adrian-Mueller-involvement-in-fraudulent-activities-in-CTTT-case-SCS-12_32675.pdf

j) Since AGM 2018, Solicitor Adrian Mueller and Waratah Strata Management prevented owners from enforcing serious indictable offenses. Extract from Motion at AGM 2018:

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms and approves the following:

- Section 192E of the Crimes Act 1900 states that a person who, by any deception, dishonestly obtains property belonging to another, or obtains any financial advantage or causes any financial disadvantage, is guilty of the offence of fraud, with maximum penalty of imprisonment for 10 years.
- Section 316 of the Crimes Act 1900 (NSW) makes the knowing concealment of information relating to a "serious indictable offence" a crime punishable by up to 2 years imprisonment.

Section 4 of that Act defines "serious indictable offence" to mean an indictable offence that is punishable by imprisonment for life or for a term of 5 years or more. Subject to certain exclusions this generally includes the fraud offences in Part 4AA of that Act as well as stealing and similar offences in Part 4.

Section 316(1) states if a person has committed a serious indictable offence and another person who knows or believes that the offence has been committed and that he or she has information which might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for it fails without reasonable excuse to bring that information to the attention of a member of the Police Force or other appropriate authority, that other person is liable to imprisonment for 2 years.

- There is currently no maximum elapsed time period for indictable offences in NSW.
- After owners corporation was forced to repay \$8,800.00 to CHU Insurance for insurance claims in first quarter of 2017 for events that occurred in 2012/2013, Fraud Report E65804633 dated 9th September 2017 was submitted, with Police investigations and interviews starting in late 2017 and continuing in 2018.

Issues in the investigations include alleged false statements by BCS Strata Management in Statutory Declaration to CTTT on 19th April 2013, four different versions of the same Standard Costs Agreement with Solicitor Mr. Adrian Mueller, secret change of the insurance policy for SP52948 and then claiming amount of \$24,919.31 (plus GST) for alleged "defense" of Lot 3 at CTTT in 2012/2013 without owners corporation full disclosure or decision at any general meeting, false written statements to CTTT by selective EC members, invoice paid for insurance premiums to Gallagher Australia on 21st September 2012 in amount of \$84,414.77, which was 74.38% higher than in September 2011, losses to Lot 158 in amount of close to \$29,000.00.

Solicitor Mr. Adrian Mueller, was actively involved in the creation of the Statutory Declaration, against the wishes of owners corporation or approval at any general meeting or disclosure, caused excessive courier costs to owners corporation in amount of \$851.56 on 19th April 2013 and was based on rushed EC meeting seven days ahead of scheduled date, without owners being able to respond, comment, or complain.

- Secretary of the EC Mrs. Lorna Zelenzuk and acting Chairperson Mr. Robert Crosbie failed to include Motion at AGM 2017 confirm payments to Solicitor Mr. Adrian Mueller, in non-compliance with Strata Schemes Management Act 2015, Schedule 1, c(4):

Solicitor Mr. Adrian Mueller was engaged 14 times in period March 2012 and September 2016 without disclosure of expenses in any financial statement given to owners corporation at general meetings,

Solicitor Mr. Adrian Mueller was paid \$63,318.77 (GST included), with full details for 2017 and 2018 undisclosed to owners by Waratah Strata Management:

k) Solicitor Adrian Mueller sent letter to Lot 158 on 27 June 2022, confirming that he, Waratah Strata Management, and committee members prevent Lot 158 from assisting OLSC, NCAT, and Police, in non-compliance with paragraph 61 of NCAT case SC 20/33352 which stated “*Special By-law 11 does not prevent Lot owners from attending meetings of the owners corporation, nor putting forward Motions to be considered at general meetings; nor bringing proceedings in the Tribunal*”:

We are instructed that on 8 June 2022, you wrote to the strata managing agent of the Owners Corporation, made a request for specific documents to be provided to you and put forward a proposal.

We are instructed that the Owners Corporation does not intend to provide those specific documents to you because it has no obligation to do so. If you wish to inspect the records of the Owners Corporation

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F 02 9562 8551
W muellers.com.au
E enquiries@muellers.com.au

LEVEL 1,
240 PRINCES HIGHWAY
ARNcliffe NSW 2205
DX 25315 ROCKDALE



Liability limited by a scheme approved under Professional Standards Legislation

The Secretary
The Owners – Strata Plan No. 52948

2

27 June 2022

to obtain specific documents, you will need to follow the procedure set forth in section 182 of the *Strata Schemes Management Act 2015* in order to do so.

We are informed that on or about 8 June 2022 you did undertake an inspection of the records of the Owners Corporation. We are told that during that inspection certain privileged documents were made available to you by mistake. We are instructed that privilege is not waived in relation to any of the privileged documents which you were mistakenly given access to.

In relation to the proposal contained in your email to the strata manager of the Owners Corporation sent on 8 June 2022, we are instructed that the proposal is not acceptable to the Owners Corporation.

However, we are informed that one aspect of your proposal was a requirement for the Owners Corporation to reimburse to its insurance company the legal costs which its insurer paid in connection with the Tribunal proceedings in which the costs order was made against you on 6 July 2021.

We are instructed that once the amount determined by the costs assessor has been paid by you to the Owners Corporation, the Owners Corporation will reimburse that amount to its insurer which is the appropriate thing for it to do.

In relation to the other aspects of your proposal, we are instructed that the Owners Corporation is not prepared to forward the email you sent the strata manager of the Owners Corporation on 8 June 2022, or the evidence you filed in Tribunal proceedings (File No. SC 20/33352) or that you lodged with the costs assessor, to anyone or provide you with the authority to represent the Owners Corporation in dealings with the Office of the Legal Services Commissioner, the Tribunal and the Police.

Yours faithfully

JS MUELLER & CO
Adrian Mueller | Partner
E @muellers.com.au

l) Waratah Strata Management and committee members were made aware of the following events in 2021, 2022, and 2023 where they declined to co-operate and offer assistance to law-enforcement agencies:

- Statutory Declaration for “Professional Misconduct and Fraudulent Activities by Solicitor Adrian Mueller in Relation to Strata Plan SP52948 in Period 2012 to 2022”, submitted to Office of Legal Services Commissioner, Supreme Court, District Court, NCAT, Law Society of NSW, and New South Wales Bar Association on 21 September 2022.
- Chartered Accountants Australia and New Zealand case against Mr. George Venardos (Economos Auditors) for misconduct in regards to audited accounts of SP52948 on 20 February 2023.
- Office of Legal Services Commissioner case CAS005901 for professional misconduct and corruption of Solicitor Adrian Mueller on 29 November 2021.
- Office of Legal Services Commissioner case CAS006791 for professional misconduct and corruption of Solicitor Adrian Mueller on 16 February 2022.
- Office of Legal Services Commissioner case CAS009763 or professional misconduct and corruption of Solicitor Adrian Mulleron 21 September 2022.
- Police Crime Stoppers event 648467 on 1 December 2021.

Explanatory notes:

Motion is designed to raise awareness of continuous problems with SP52948 insurance and excessive legal costs.

Motion: Ratify trends for SP52948 Admin Fund negative balances from 31 January 2017 when Waratah Strata Management took office to 8 October 2023

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

a) Waratah Strata Management and eight committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) On 8 October 2023, negative balance in Admin Fund amounted to \$234,902.37:

190200	Utility--Electricity	13,568.71	49,171.97
190400	Utility--Gas	0.00	27,768.79
191200	Utility--Water & Sewerage	0.00	100,993.06

Strata Plan 52948

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

Administrative Fund

	Current period 01/09/2023-08/10/2023	Previous year 01/09/2022-31/08/2023
<i>Total expenses</i>	245,856.39	898,866.80
Surplus/Deficit	(245,555.23)	(65,148.09)
Opening balance	10,652.86	75,800.95
Closing balance	<u><u>-\$234,902.37</u></u>	<u><u>\$10,652.86</u></u>

c) At AGM on 27 October 2022, when negative balance in Admin Fund amounted to \$203,914.85 without disclosure to owners, owners did not ratify Lot 158 Motions, including Motion "Ratify SP52948 Admin Fund balances from 31 January 2017 when Waratah Strata Management took office":

190200	Utility--Electricity	8,967.99	57,939.98
190400	Utility--Gas	7,131.54	25,668.18
191200	Utility--Water & Sewerage	25,120.00	95,367.60
<i>Total expenses</i>		284,771.25	802,734.45
Surplus/Deficit		(279,715.80)	(34,757.74)
Opening balance		75,800.95	110,558.69
Closing balance		<u><u>-\$203,914.85</u></u>	<u><u>\$75,800.95</u></u>

d) On 31 January 2017 when Waratah Strata Management took office from BCS Strata Management inherited positive balance of \$129,704.57 in Admin Fund:

<https://www.nswstratasleuth.info/SP52948-financials/SP52948-Balance-Sheet-31Jan2017.pdf>

e) On 29 April 2021, in minutes of committee meeting, Waratah Strata Management admitted negative balance in Admin Fund, without providing any details, and claiming that it was a temporary problem:

MINUTES OF A STRATA COMMITTEE 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: A meeting of the Strata Committee of The Owners - Strata Plan 52948 was held on 29/04/2021 by Zoom video/audio conference. The meeting commenced at 06:00 PM.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
21	21	Yes	Thomas Karolewski
88	88	Yes	Marianna Paltikian
112	112	Yes	Carlos Fornieles Montoya
133	133	Yes	Andrew Ip
142	142	Yes	Genelle Godbee
170	170	Apology	Kathryn Cutler
181	181	Yes	Stan Pogorelsky
200	200	Yes	John Gore

IN ATTENDANCE:

Upali Arawela (62)
Mo Levitt (147)
Maureen McDonald (151)
Daniel Wesolowski (161)
Heath Crosbie - Waratah Strata Management
Robert Crosbie - Waratah Strata Management

CHAIRPERSON (acting):

Robert Crosbie

Minutes of the meeting:

- 1 MINUTES**
Resolved that the minutes of the previous strata committee meeting be confirmed as a true record of the proceedings of that meeting.
- 2 FINANCIAL REPORT**
Resolved that the financial reports for the current financial year were tabled and discussed. It was noted that the current deficit in the Administrative Fund is only temporary and will be cleared when the levies due on 1/5/21 are received.

f) Owners were not informed by Waratah Strata Management about three quarters in FY 2021 with negative balance in Admin Fund:

SP52948 Balance Status on 31 January 2021, Admin Fund negative balance of \$18,794.90

SP52948 Balance Status on 30 April 2021, Admin Fund negative balance of \$25,254.77

SP52948 Balance Status on 31 July 2021, Admin Fund negative balance of \$22,323.34

<https://www.nswstratasleuth.info/SP52948-financials/SP52948-Balance-Sheet-as-at-31Jan2021.pdf>

<https://www.nswstratasleuth.info/SP52948-financials/SP52948-Balance-Sheet-30Apr2021.pdf>

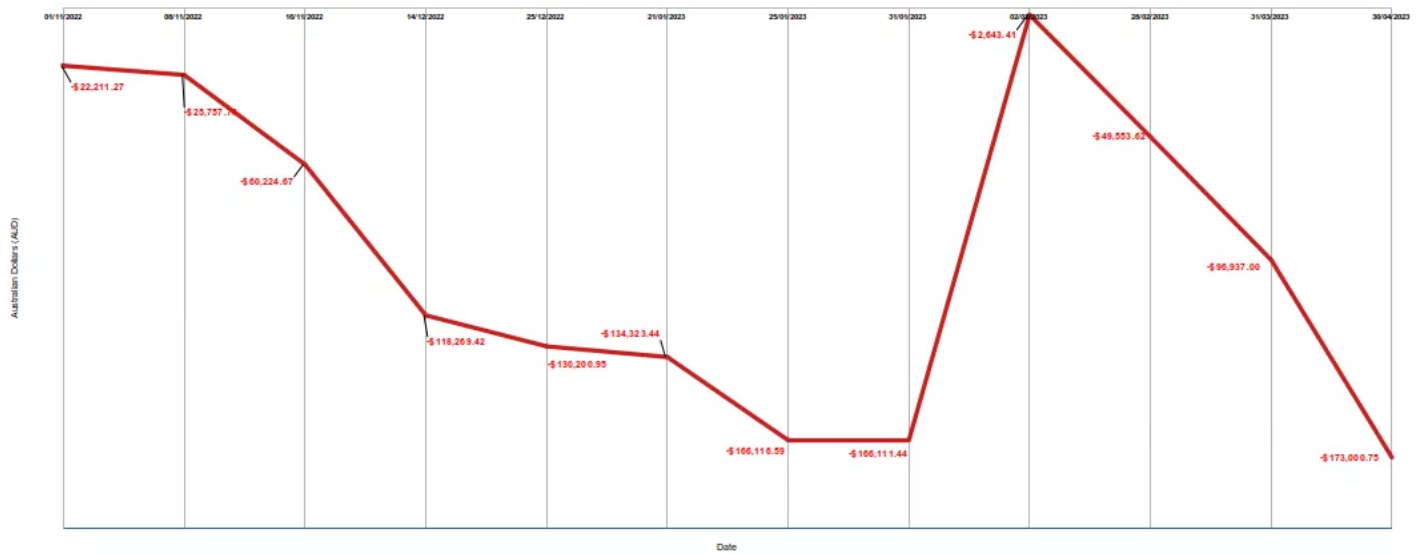
<https://www.nswstratasleuth.info/SP52948-financials/SP52948-Balance-Sheet-as-at-31Jul2021.pdf>

g) On 31 August 2023, positive balance in Admin Fund was \$10,652.86. Three different versions of Admin Fund balance exist for 31 August 2023: \$18,759.11 in report on 31 August 2023, \$14,903.11 in report on 6 September 2023, and \$10,652.86 in report on 16 September 2023.

<https://www.nswstratasleuth.info/SP52948-three-different-versions-Admin-Fund-balance-31Aug2023.png>

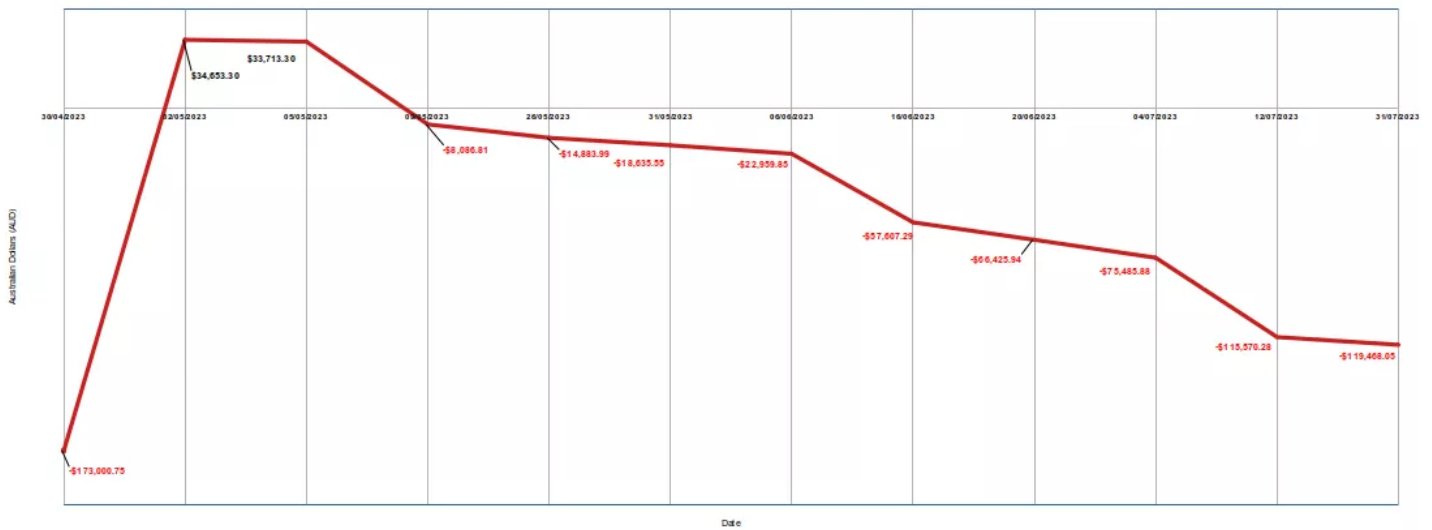
h) For first time in history of strata complex SP52948, Admin Fund had continuous negative balance during two whole FY 2023 quarters (1 November 2022 to 31 January 2023, and from 1 February 2023 to 30 April 2023):

Abridged summary of effects of Waratah Strata Management on continuously negative balances in SP52948 Admin Fund from 1 November 2022 for the FY quarters ending on 31 January 2023 and 30 April 2023



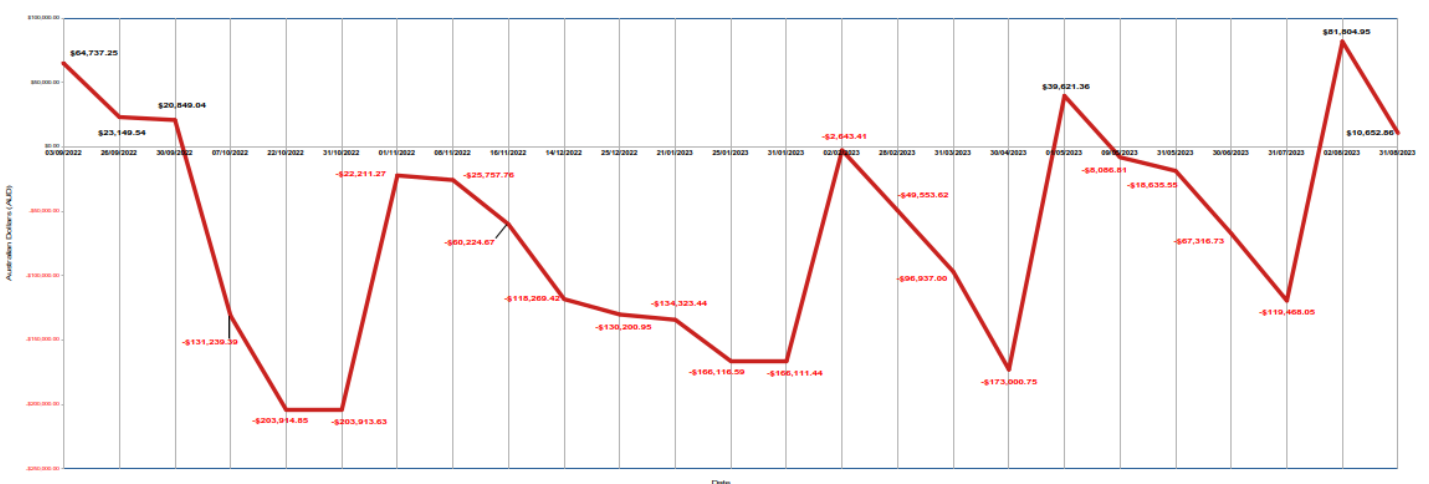
i) For first time in history of strata complex SP52948, Admin Fund had almost continuous negative balance in third FY 2023 quarter (1 May 2023 to 31 July 2023):

Abridged summary of effects of Waratah Strata Management on mostly continuously negative balances in SP52948 Admin Fund from 1 May 2023 to 31 July 2023 for the third FY 2023 quarter

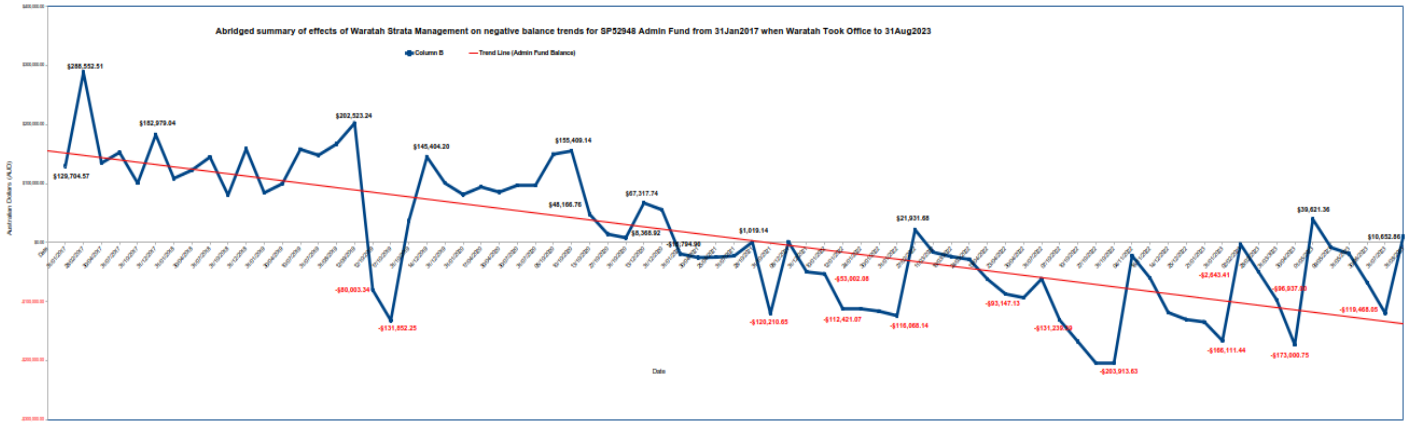


j) SP52948 Admin Fund had almost continuous negative balance in whole FY 2023 (1 September 2022 to 31 August 2023):

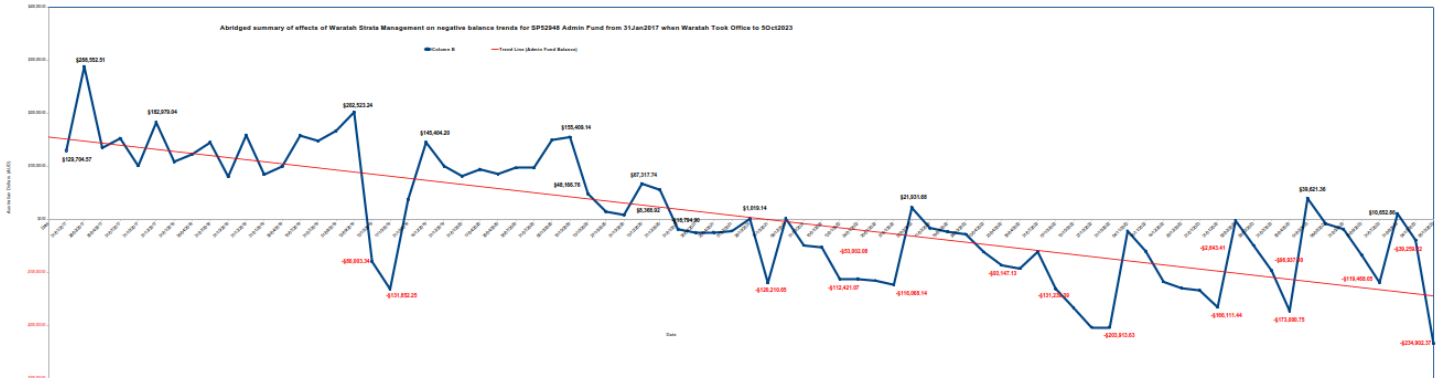
Abridged summary of effects of Waratah Strata Management on mostly continuously negative balances in SP52948 Admin Fund from 1 November 2022 to 31 August 2023 (FY 2023)



k) Graph of Admin Fund balances since 1 February 2017 when Waratah Strata Management took office to 31 August 2023:



l) Graph of Admin Fund balances since 1 February 2017 when Waratah Strata Management took office to 5 October 2023:



m) Waratah Strata Management changed their own data in Income & Expenditure Report for 31 August 2023 (end of financial year) and three different versions of the figure were found: \$18,759.11 in report on 31 August 2023, \$14,903.11 on 6 September 2023, and \$10,652.86 in report on 16 September 2023:

<https://www.nswstratasleuth.info/SP52948-three-different-versions-Admin-Fund-balance-31Aug2023.png>

n) Waratah Strata Management and Uniquenco Property Services were reminded about risks that could damage their business due to misconduct in carrying out or failing to carry out the functions required under the contract:

<https://www.nswstratasleuth.info/Examples-of-legal-cases-terminated-contracts-with-strata-and-building-managers-in-Australia.html>

o) At AGM on 27 October 2022, where 16 owners were present at the meeting in person and the rest were proxy votes, owners corporation did not ratify past engagements of Solicitor Adrian Mueller (effectively making his costs illegal and void), and did not approve that Lot 158 recovers common funds for SP52948 from Solicitor Adrian Mueller without owners incurring any costs (conservative estimate was that Lot 158 would be able to recover for owners corporation at least \$100,000.00 - lost income from unpaid interest to be calculated separately), whilst not disclosing to owners negative balance in Admin Fund in amount of \$203,914.85:

16 MOTIONS REQUISITIONED BY LOT 158

The Owners Corporation incurred legal fees of \$1,391.50 to have JS Mueller and Co review the validity of the motions requisitioned by Lot 158. Mueller's advised that all of the motions submitted (except one) should be ruled out of order by the chairperson on the grounds that:

- (a) The motions, if carried, would be unenforceable; or
- (b) The motions, are in fact, not motions at all but rather statements of opinion that do not require any decision to be made.

The Chairman ruled Motions, 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16 out of order as advised.

Motion 6 was ruled out of order and the Owners Corporation does not agree to provide Lot 158 with access to the legally privileged records.

Motion 7: Resolved the Owners Corporation does not authorise Lot 158 to be empowered to represent the Owners Corporation in legal cases against Adrian Mueller to recover money from him.

Motion 15 relates the installation of a gate to Lot 151. The owner of that lot, Maureen McDonald, refutes the allegations made that the gate was not approved and that she did not pay 50% of the cost of that work. The installation of the gate was approved by the strata committee in November 2021 and 100% of the cost of the gate was paid by Maureen McDonald.

p) Following links contain unredacted evidence for Admin Fund status since Waratah Strata Management took office on 1 February 2017:

<https://www.nswstratasleuth.info/SP52948-negative-trends-with-Admin-Fund-under-Waratah-Strata-Management.html>

<https://www.nswstratasleuth.info/SP52948-financials>

Explanatory notes:

Motion is designed to raise awareness of continuous problems with SP52948 Admin Fund.

Motion: Ratify events related to 10-Year Capital Works Fund for SP52948 with updates for 2023

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) At AGM on 27 October 2022, when negative balance in Admin Fund amounted to \$203,914.85 without disclosure to owners, owners did not ratify Lot 158 Motions, including Motion for AGM 2020 "Ratify events related to 10-Year Capital Works Fund for SP52948".

c) Capital Works Fund (old name Sinking Fund) has never been approved or discussed at general meetings since 1997:

<https://www.nswstratasleuth.info/SP52948-Leary-and-Partners-Sinking-Fund-Plan-May1998-undisclosed-to-owners.pdf>

<https://www.nswstratasleuth.info/SP52948-MSA-Sinking-Fund-Plan-Aug2010-undisclosed-to-owners-until-October-2016.pdf>

<https://www.nswstratasleuth.info/SP52948-BIV-report-Capital-Works-Fund-Mar2017.pdf>

<https://www.nswstratasleuth.info/SP52948-BIV-report-Capital-Works-Fund-6Oct2021.pdf>

d) Committee meeting on 23 September 2021 confirmed deficit in Capital Works Fund in amount above 1.5 million (\$1,515,541.00):

FINANCIAL REPORT

That the financial reports for the current financial year were tabled and discussed.

It was noted that the Capital Works Forecast Report prepared in 2017 suggests that the current balance of the Capital Works Fund should be \$2,550,035 and that the actual balance of the Capital Works Fund is \$1,034,494. It was resolved that an updated Capital Works Forecast report be obtained as soon as possible. If the report is received prior to the AGM agenda being issued, the proposed Capital Works levy in the budget will be adjusted in accordance with the report. If the report is not received prior to the AGM agenda being issued, then the budget will be issued as tabled and the recommendation discussed at the AGM.

Resolved that subject to the above comment the proposed budget tabled at the meeting is to be presented at the 2021 AGM.

e) Waratah Strata Management and committee members failed to provide the following evidence to owners:

<https://www.nswstratasleuth.info/SP52948-continuous-delays-with-fire-and-OHS-problems.html>

<https://www.nswstratasleuth.info/SP52948-ongoing-maintenance-problems-mostly-ignored-by-Waratah-Strata-Management.html>

<https://www.nswstratasleuth.info/SP52948-discrepancies-in-BIV-report-for-10-Capital-Works-Fund-in-2017-and-2021.pdf>

Explanatory notes:

Motion is designed to raise awareness of continuous problems with SP52948 10-Year Capital Works Fund.

Motion: Ratify SP52948 levy growths for Lot with Entitlement 47.00 from 1998 to 2023

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

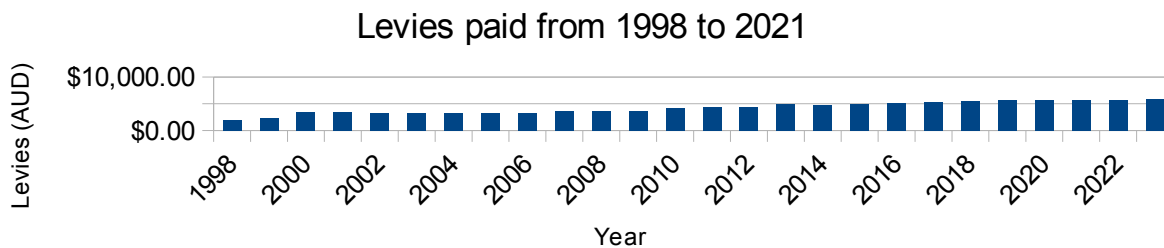
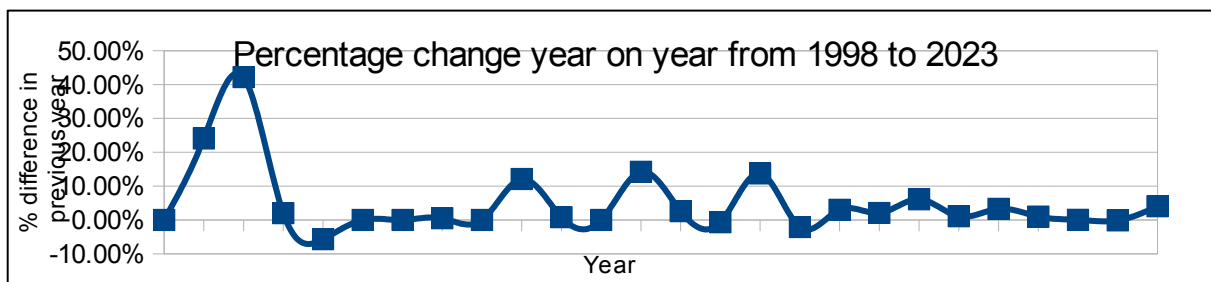
b) Lot 158 notified committee members about risks due to poor planning of levies, with official Federal Court statistics about strata bankruptcy filings as a percentage of total bankruptcy filings amount to 18% in NSW in 2022:

<https://www.abc.net.au/news/2023-08-30/strata-levy-bankruptcies-are-on-the-rise/102761594>

Bankruptcy filings 2022	Strata bankruptcy filings as a percentage of total bankruptcy filings
NSW	18 per cent
ACT	29 per cent
VIC	4 per cent
QLD	5 per cent
WA	3 per cent
NT, SA, TAS	0 per cent

c) Table of SP52948 levies for levies for SP52948 property with entitlement 47.00 (three bedroom apartment) in period 1998 to 2023, based on invoices – similar pattern applies to all other properties which have different entitlements in the complex:

SP52948 FY between 1 September and 31 August the following year	Difference in Paid Levies to Previous Year	Levies Paid by Owner with Entitlement 47.00
1998	0.00%	\$1,927.00
1999	24.08%	\$2,391.07
2000	42.18%	\$3,399.65
2001	2.03%	\$3,468.65
2002	-5.69%	\$3,271.30
2003	0.00%	\$3,271.31
2004	0.00%	\$3,271.25
2005	0.52%	\$3,288.15
2006	0.00%	\$3,288.10
2007	12.11%	\$3,686.20
2008	0.83%	\$3,716.70
2009	0.00%	\$3,716.76
2010	14.22%	\$4,245.40
2011	2.60%	\$4,355.80
2012	-0.65%	\$4,327.32
2013	13.74%	\$4,921.89
2014	-2.11%	\$4,818.21
2015	3.01%	\$4,963.28
2016	2.08%	\$5,066.61
2017	6.12%	\$5,376.80
2018	1.09%	\$5,435.25
2019	3.28%	\$5,613.65
2020	1.00%	\$5,669.55
2021	0.05%	\$5,672.20
2022	-0.13%	\$5,664.55
2023	4.05%	\$5,894.05



Explanatory notes:

Motion is designed to raise awareness of lack of reasonable planning for SP52948 levies.

Motion: Ratify SP52948 complex underinsurance for catastrophic events and massively increased cover for loss of rent/temporary accommodation in FY 2023

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) Waratah Strata Management renewed insurance for SP52948 without owners corporation decision at general meeting or decision at any committee meeting by decreasing insured sum for catastrophe from \$38,920,350.00 in FY 2022 to \$21,982,500.00 in FY 2023.

c) Waratah Strata Management renewed insurance for SP52948 without owners corporation decision at general meeting or decision at any committee meeting by increasing insured sum for loss of rent and temporary accommodation from \$19,460,175.00 in FY 2022 to \$43,965,000.00 in FY 2023, indirectly highlighting the risks for losses due to uninhabitable properties.

d) Details of insurance policy:

<https://www.nswstratasleuth.info/SP52948-underinsured-large-strata-complex-for-catastrophe-events-FY-2023.pdf>

Explanatory notes:

Motion is designed to raise awareness of insurance risks in FY 2023.

Motion: Ratify SP52948 complex valued at \$146,550,000.00 was uninsured for five days due to unpaid premiums for FY 2023 due on 21 September 2022, and not disclosed as of 8 October 2023 for renewal due on 21 September 2023

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) BCB insurance broker warning to Waratah Strata Management about expired insurance policy and unpaid invoice in amount of \$1,617.37 which was due on 9 August 2022:

<https://www.nswstratasleuth.info/SP52948-overdue-payment-insurance-policy-Sep2022.pdf>

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-and-undeclared-expired-insurance-in-FY-2022.pdf>

c) On 1 September 2022, complex was valued at \$146,550,000.00:

<https://www.nswstratasleuth.info/SP52948-insurance-valuation-1Sep2022.pdf>

d) Insurance policy for SP52948 expired on 21 September 2022, with renewal delayed for five days at huge increase of 50.84% compared to previous year – making large strata complex worth more than \$146 millions not having any insurance cover (uninsured for five days) and premium not included in Income & Expenditure Report as of 3 October 2022:

<https://www.nswstratasleuth.info/SP52948-expired-insurance-on-21Sep2023-not-renewed-as-of-3Oct2023.pdf>

e) On 26 September 2022 Waratah Strata Management website listed expired insurance on 21 September 2022. Waratah Strata Management website did not list insurance renewal payment on 26 September 2022:

<https://www.nswstratasleuth.info/SP52948-insurance-policy-renewal-five-days-after-due-date-26Sep2022.pdf>

f) Waratah Strata Management website listed insurance renewal payment on 7 October 2022, without disclosure of full excesses (\$10,000.00 for each and every water-related damage):

<https://www.nswstratasleuth.info/SP52948-Insurance-Policy-7Oct2022.pdf>

g) On 8 October 2023 Waratah Strata Management website listed expired insurance which was due on 21 September 2023:

<https://www.nswstratasleuth.info/SP52948-expired-insurance-on-21Sep2023-not-renewed-as-of-8Oct2023.pdf>

Explanatory notes:

Motion is designed to raise awareness of risks with uninsured SP52948 common property.

Motion: Ratify lack of responses by Waratah Strata Management to Lot 158 concerns about SP52948 mismanagement in 2023 and discrimination against Lot 158

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) Waratah Strata Management and committee members failed to inform owners and respond to six Lot 158 complaints about lack of maintenance, insurance risks, non-compliant financial audits, and OH&S and fire safety risks six times in 2023:

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-8Jun2023.html>

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-2-19Jun2023.html>

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-3-19Jul2023.html>

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-4-18Aug2023.html>

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-5-12Sep2023.html>

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-6-13Sep2023.html>

c) Waratah Strata Management used “Unreasonable Communications” Special By-Law seven times (by-law was specifically and exclusively created and prepared by Solicitor Adrian Mueller to prevent Lot 158 from raising any concerns about mismanagement of the complex was directly used four times before NCAT Hearing in case SC 20/33352 and three times after the Hearing (strata managers, committee members and Solicitor Adrian Mueller failed to disclose it to the NSW Fair Trading and Tribunal in NCAT case 20/33352) and by not attending the Hearing influenced the Tribunal to ignore Lot 158 evidence and prevent them from cross-examining them):

- Motions 18 and 19 at AGM on 18 October 2018, preventing owners to have access to Lot 158 Motions and vote on them.
- Motion 4 at committee meeting on 2 May 2019.
- Waratah Strata Management secret email to Fair Trading NSW on 20 May 2019 (11 days before Lot 158 was scheduled for document search in strata manager’s office), confirming that Lot 158 was not allowed to have access to strata files including Strata Roll – email was fully supported by all members of the committee.
- Motion 4 at committee meeting on 20 June 2019.
- Motion 3 at committee meeting on 29 April 2021, with further false statements and threats against Lot 158.
- Motion 6 at committee meeting on 10 February 2022.
- Waratah Strata Management email response on 16 June 2023, refusing to deal with serious SP52948 risks and insurance fraud.

<https://www.nswstratasleuth.info/SP52948-used-Unreasonable-Communications-Special-By-Law-against-Lot-158-seven-times-without-disclosure-to-NCAT-SC-20-33352.pdf>

d) At AGM 2022, Waratah Strata Management prevented owners from voting on Lot 158 Motions, including "Ratify four unresolved problems with common property maintenance in Lot 158", in spite of evidence that Waratah Strata Management Open Work Orders listed Lot 158 sunroom leaks on their website even as late as 8 October 2023, along with 15 other issues:

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Maintenance-Open-Work-Orders-page-1-8Oct2023.png>

<https://www.nswstratasleuth.info/SP52948-unresolved-common-property-maintenance-issues-in-Lot-158.html>

<https://www.nswstratasleuth.info/SP52948-with-Waratah-Strata-Management-from-February-2017.html>

Explanatory notes:

Motion is designed to raise awareness of continuous maintenance problems for SP52948 common property, OH&S and fire risks, and discrimination against Lot 158.

Motion: Ratify costs for 26 townhouses' upgrades in amount of \$92,950.00 without evidence of completed work in 2017 as of September 2023

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) At AGM on 27 October 2022, when negative balance in Admin Fund amounted to \$203,914.85 without disclosure to owners, owners did not ratify Lot 158 Motions, including Motion at AGM 2020 "Ratify undisclosed costs and warranties, work not completed in complex painting project in 2017, and unexplained alleged costs for townhouses in amount of \$92,950.00".

c) During major upgrades of SP52948 in 2017, owners corporation spent on alleged upgrades for 26 townhouses amount of \$92,950.00.

d) At AGM 2018, the following was listed in the Minutes of the meeting, showing that carport lattices needed some work:

TOWNHOUSE LATTICE

Resolved that the correspondence from owner of Lot 209, to remove and replace the townhouses carports lattice was tabled and a decision made not to agree to that proposal.

e) Waratah Strata Management failed to disclose to owners the following breakdown of expenses for the painting project that was known as early as 3 March 2017:

Block A: \$117,700.00 (including GST)
Block B: \$117,700.00 (including GST)
Block C: \$117,700.00 (including GST)
Block D: \$117,700.00 (including GST)
Various Structures: \$66,000.00 (including GST)
Townhouses: \$92,950.00 (including GST)
Total cost: \$629,750.00 (including GST)

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-silent-about-failed-maintenance-and-unexplained-costs-of-around-92950.00-for-alleged-major-townhouse-upgrades-3Feb2021.html>

f) There is no evidence of any significant work being done on townhouses (including roofs) during alleged major upgrades in the complex in 2017:

Pergolas (there was a private pergola replacement for Lot 196 one-and-half years after major upgrades in the complex - May2019),
Colorbond fences,
Wooden fences towards neighboring property,
Window frames,
Doors,
Garage doors,
Townhouse carport lattices (one year later, Lot 209 submitted Motion at AGM 2018, to replace townhouse carport lattices, which was rejected),
Bollards,
Front-yard tree lopping (it was actually done in rush just before AGM 2020),
Roof that comprised: high-pressure clean, spray at least one coat of sealer and two coats of paint, repaint roof where necessary

with flexipoint, repair flashing down gables, replace broken or damaged tiles (only few replacements are visible), clean all gutters and downpipes, clean job site

g) Project supervisor confirmed that \$4,647.00 for retention work was not paid yet on 5 July 2017:

<https://www.nswstratasleuth.info/SP52948-Townview-progress-summary-alleged-invoices-for-major-painting-project-5Jul2017.png>

h) Townhouse timber was repainted six years earlier in 2011 at cost of \$61,490.00 (GST incl) without proper tender process:

<https://www.nswstratasleuth.info/SP52948-townhouses-timberwork-painting-contract-1Aug2011.pdf>

Explanatory notes:

Motion is designed to raise awareness about missing evidence of where \$92,950.00 was spent on townhouse upgrades in 2017.

Motion: Ratify SP52948 status of insurance premiums from 1997 to 2023 and insurance commissions paid to Waratah Strata Management in amount of \$47,849.98 since 2018 with evidence of previous strata agency BCS Strata Management not allowed to receive insurance commissions due to conflict of interest

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) At AGM on 27 October 2022, when negative balance in Admin Fund amounted to \$203,914.85 without disclosure to owners, owners did not ratify Lot 158 Motions, including Motion "Ratify SP52948 status of insurance premiums since 1997 and collection of insurance commissions paid to Waratah Strata Management".

c) To avoid conflict of interest, ex-Chairperson Bruce Copland disallowed BCS Strata Management (previous strata agency) to claim rebates and commissions for insurance renewals, as listed in his submission to CTTT in case SCS 12/05845 on 10 March 2012 and email sent to BCS Strata Management on 27 August 2015 requesting reimbursement of insurance commissions in amount of \$1,700.00:

13. The current MA's current contract specifically precludes receiving rebates and commissions on insurance that are not returned to the OC. In this respect our MA contract is different from the standard Institute of Body Corporate Managers NSW contract. I point to the material savings in insurance premiums since 2003 when this change was first effected. This removes any possible conflict of interest in raising the sums insured which have been determined by a professional and un-conflicted valuer.

Bruce Copland Letter to CTTT 10th March 2012

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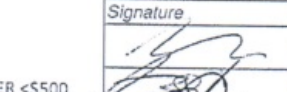

Sent: Thursday, 27 August 2015 9:11 PM
To: Gary Mills
Cc: Billy Cheung
Subject: FW: Rebate of insurance commission

Gary

Please ensure last year's insurance commission of \$1700 is rebated to our insurance costs before 31st August 2015.

Regards

Bruce Copland

PICA		PICA PROPERTY & FINANCIAL SERVICES	
CREDIT AUTHORITY			
PLAN NO.	52948	DATE:	8th Sept 2015
PLAN NAME:	1-15 FONTENOY ROAD MACQUARIE PARK NSW 2113		
CREDIT REQUESTED BY:	bruce copeland	PICA BRANCH	Epping
CREDIT AMOUNT	Amount ex GST	GST	Total
	\$1,000.00	\$180.00	\$1,180.00
ANNUAL BASE MANAGEMENT FEE FOR STRATA PLAN BEING CREDITED			
CASH ADVANCE AMOUNT			
REASONS:	rebate for the insurance commission as per agency agreement set last year		
BANK ACCOUNT	BSB	Account Number	
	182222	303-008403	
FOLLOW UP REQUIRED			
CREDIT AUTHORITY			
REQUESTOR	Signature	Name	Date
BRANCH / DEPARTMENT MANAGER <\$500		Gary Mills	8/9/2015
REGIONAL MANAGER <\$2,000		Peter Le breton	8/9/15

d) In 2016, BCS Strata Management was forced to refund SP52948 for insurance commissions in amount of \$1,306.26.

e) After Waratah Strata Management took office on 1 February 2017, they started receiving significant rebates and commissions for insurance renewals:

FY 2018: \$6,084.84

FY 2019: \$6,570.16

FY 2020: \$6,084.84

FY 2021: \$5,633.62

FY 2022: \$6,541.55

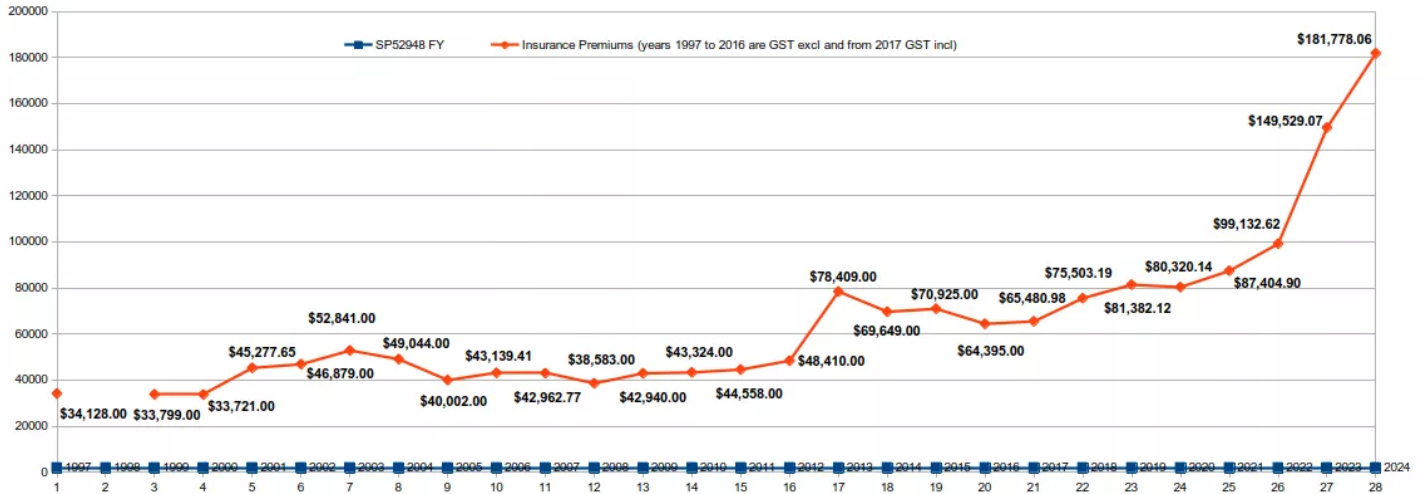
FY 2023: \$6,541.55

FY 2024: \$9,936.71

f) Insurance premiums and commissions to strata managers (Financial Year between 1 September and 31 August the following year):

SP52948 Financial Year	Insurance Premiums (GST excl)	Diff to Previous Year	Comments and Insurance Commissions Paid to Strata Manager
1997	\$34,128.00		
1998			
1999	\$33,799.00	0.00%	
2000	\$33,721.00	-0.23%	
2001	\$45,277.65	34.27%	
2002	\$46,879.00	3.54%	
2003	\$52,841.00	12.72%	Raine & Horne Strata Management not allowed insurance commissions
2004	\$49,044.00	-7.19%	Raine & Horne Strata Management not allowed insurance commissions
2005	\$40,002.00	-18.44%	Raine & Horne Strata Management not allowed insurance commissions
2006	\$43,139.41	7.84%	Raine & Horne Strata Management not allowed insurance commissions
2007	\$42,962.77	-0.41%	Raine & Horne Strata Management not allowed insurance commissions
2008	\$38,583.00	-10.19%	Raine & Horne Strata Management not allowed insurance commissions
2009	\$42,940.00	11.29%	Raine & Horne Strata Management not allowed insurance commissions
2010	\$43,324.00	0.89%	BCS Strata Management not allowed insurance commissions
2011	\$44,558.00	2.85%	BCS Strata Management not allowed insurance commissions
2012	\$48,410.00	8.64%	BCS Strata Management not allowed insurance commissions
2013	\$78,409.00	61.97%	Two insurers declined to quote due to high risks, four insurance claims for Solicitor Adrian Mueller (strong evidence includes false statements by BCS Strata Management in Statutory Declaration to CTTT on 19 April 2013, false statement in Affidavit to District Court on 31 January 2014, four different versions of the same Standard Costs Agreement with Solicitor Mr. Adrian Simon Mueller, secret change of the insurance policy for SP52948 and then claiming amount of \$24,919.31 (plus GST) for non-existent "defence" of Lot 3 in CTTT case SCS 12/32675 without owners corporation disclosure or decision at any general meeting, false written statements to CTTT by selective committee members, CHU Insurance forced partial repayment in amount of \$8,800.00 in 2017) BCS Strata Management not allowed to receive insurance commissions
2014	\$69,649.00	-11.17%	BCS Strata Management not allowed to receive insurance commissions
2015	\$70,925.00	1.83%	BCS Strata Management not allowed to receive insurance commissions
2016	\$64,395.00	-9.21%	BCS Strata Management not allowed to receive insurance commissions
2017	\$65,480.98	1.69%	BCS Strata Management not allowed to receive 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 no details published as of 8 October 2023 \$9,936.71 paid to Waratah Strata Management

g) Graph of insurance premiums and payments:



Explanatory notes:

Motion is designed to raise awareness of high insurance premiums and conflict of interest due to Waratah Strata Management insurance commissions.

Motion: Ratify Waratah Strata Management acts to not disclose SP52948 insurance excesses to owners

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) SP52948 insurance policy was signed before AGM 2012 with excess for each and every water damage, burst pipe, and exploratory cost in amount of \$10,000.00:

Excesses:

SECTION 1	Earthquake	For each claim or series of claims during a period of 72 hours for loss or damage caused by Earthquake or Tsunami:	
		i. Where the Building(s) Sum Insured is up to \$5,000,000 and the Building is occupied solely for residential purposes; or	\$ 250
		ii. Where the Building Sum Insured is greater than \$5,000,000 and the Building is occupied solely for residential purposes; or	\$ 20,000 or 1% of the Building Sum Insured (whichever is the lesser)
	iii. Where the Building is occupied partly or solely for commercial purposes	\$ 20,000 or 1% of the Building Sum Insured (whichever is the lesser)	
SECTION 1	Water Damage/Burst Pipe/Exploratory Cost on each & every claim		\$ 10,000
SECTION 1	Flood Damage claims		\$ 5,000
SECTION 1	All Other Claims as per Policy Wording and		\$ 1,000
SECTION 2	For each and every claim		\$ 250
SECTION 3	For each and every claim		\$ 250
SECTION 4	7 days		
SECTION 5	For each and every claim		\$ 250
SECTION 6	For each and every claim for loss of damage to machines		\$ 5,000 - Chillers, Cooling Works, Generators & Central Air Conditioners \$ 2,500 – Lifts and pump motors 1,000 – All Other Losses
SECTION 7	For each and every claim		\$ 10% of all Legal Expenses or \$1,000 for each claim, whichever is the greater
SECTION 8	For each and every claim		\$ 250

- c) Agenda for AGM did not disclose any details of insurance policy excesses for water-related damages in October 2013 - strata manager was BCS Strata Management.
- d) Agenda for AGM did not disclose any details of insurance policy excesses for water-related damages in November 2014 - strata manager was BCS Strata Management.
- e) Agenda for AGM did not disclose any details of insurance policy excesses for water-related damages in November 2015 - strata manager was BCS Strata Management.
- f) Agenda for AGM disclosed details of insurance policy excesses for water-related damages in November 2016 - strata manager was BCS Strata Management.
- g) Agenda for AGM disclosed details of insurance policy excesses for water-related damages in October 2017 - strata manager was Waratah Strata Management.
- h) Agenda for AGM did not disclose any details of insurance policy excesses for water-related damages in October 2018 - strata manager was Waratah Strata Management.
- i) Agenda for AGM did not disclose any details of insurance policy excesses for water-related damages in October 2019 - strata manager was Waratah Strata Management.
- j) Agenda for AGM did not disclose any details of insurance policy excesses for water-related damages in October 2020 - strata manager was Waratah Strata Management.
- k) Agenda for AGM did not disclose any details of insurance policy excesses for water-related damages in October 2021 and reported declined claim in amount of \$13,497.00 in October 2021 - strata manager was Waratah Strata Management.
- l) Agenda for AGM did not disclose any details of insurance policy excesses for water-related damages and prevented owners from ratifying rejected insurance claims in October 2022 - strata manager was Waratah Strata Management.
- m) Agenda for AGM disclosed details of insurance policy excesses for water-related damages for previous year (not the coming year!) and prevented owners from ratifying rejected insurance claims in October 2023 - strata manager was Waratah Strata Management.

n) Evidence from strata files:

<https://www.nswstratasleuth.info/SP52948-incomplete-insurance-policy-disclosures-to-owners-in-period-2012-to-2023.pdf>

Explanatory notes:

Motion is designed to raise awareness of continuous lack of full disclosure of SP52948 insurance excesses.

Motion: Ratify Waratah Strata Management five times non-compliance with Clause 21 of the Strata Schemes Management Regulations 2016 and Section 95 of the Strata Schemes Management Act 2015 for SP52948 Auditor Reports

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) Clause 21 of the Strata Schemes Management Regulations 2016 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.

c) Waratah Strata Management ignored Lot 158 request to provide contact details of SP52948 Auditor for FY 2017 and 2018 on 10 May 2019.

d) Waratah Strata Management ignored Lot 158 request for immediate release of SP52948 Auditor Reports, Cash Receipts, Bank Statements for AGM 2019 on 9 October 2019.

e) Waratah Strata Management ignored Lot 158 complaint about misleading and misconstrued SP52948 strata files including serious problems with Auditor's reports and expired contract with strata agency due to non-compliant AGM 2019 on 19 March 2020.

f) Waratah Strata Management ignored submission about SP52948 incomplete insurance policy and validity of legal costs claims on 21 March 2021.

g) Auditor's Report signed on 20 October 2017, not presented to owners for AGM, and incomplete report was published two and half years after due date (April 2020) without any financial details in late April 2020 but backdated on Waratah Strata Management website to 31 August 2017. 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"):

Turning to the requests set out in your letter, the representatives of the owners corporation have instructed us to reject them. This owner has undertaken repeated inspections of the records of the owners corporation. The representatives of the owners corporation consider that all available records of the owners corporation were made available to them during those inspections as a result of which if they do not have any records that they desires that is because those records are likely not available. Equally importantly, if this owner is truly prepared to confine his communications to matters relating to the maintenance and repair of this owner only, and to cease and desist from disseminating what the representatives of the owners corporation consider to be defamatory material about them, then what is the purpose of them pressing for the records to be produced to him? In the circumstances, the representatives of the owners corporation do not consider that there is any merit in their request for those records to be provided to them and they are not prepared to agree to the request.

h) Auditor's Report signed on 8 October 2018 (one day after due date for AGM), not presented to owners for AGM, and not published even as late as 29 May 2019. 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").

i) Auditor's Report signed on 3 November 2020 (13 days after due date), not presented to owners for AGM.

j) Auditor's Report signed on 7 December 2022 (43 days after due date), not presented to owners for AGM.

k) Auditor's Report for FY 2024, not presented to owners in agenda for AGM in October 2023 and not available on Waratah Strata Management website as of 8 October 2023.

l) Waratah Strata Management and Economos Auditor failed to respond to inquiries about dubious utility expenses and financial accounting data for FY 2018 with unexplained differences for income and expenditure FY 2018 audited figures provided for AGM 2018 and AGM 2019).

m) Waratah Strata Management and Economos Auditor failed to respond to inquiries about financial accounting data for FY 2022.

n) Waratah Strata Management failed to comply with SSMA 2015 and SSMR 2016 five times:

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

Explanatory notes:

Motion is designed to raise awareness of continuous problems with SP52948 Auditor Reports and non-compliance with NSW strata laws.

Motion: Economos signed SP52948 audited report for FY 2022 43 days after due date with \$10,000.00 (GST incl) missing in accounting for Solicitor Adrian Mueller legal costs insurance payments

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratify the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) Economos Auditor signed SP52948 financials for FY 2022 43 days after the due date, without income in amount of \$4,545.45 (GST excl) in code 144000 (Miscellaneous Income – Admin).

c) Economos Auditor signed SP52948 financials for FY 2022 43 days after the due date, without expense (repayment to insurance company) in amount of \$4,545.45 (GST excl) in code 169400 (Maint Bldg -- Insurance Repairs &/or Excess).

d) Figures for FY 2022 as listed in FY 2023 reports do not match for alleged legal costs of Solicitor Adrian Mueller in audited report for FY 2022: total revenue in Admin Fund, Miscellaneous Income – Admin (code 144000), and Maint Bldg -- Insurance Repairs &/or Excess (code 169400).

e) Waratah Strata Management provided misleading version of accounting data for FY 2022 to Economos:

<https://www.nswstratasleuth.info/SP52948-discrepancies-between-Solicitor-Adrian-Mueller-legal-and-insurance-payments-FY-2022-and-2023.pdf>

f) In agenda sent to owners on 7 October 2022, Waratah Strata Management provided the costs of insurance repayments in amount of \$6,119.45 whilst Economos auditor was coerced to sign figure of \$1,574.00 on 7 December 2022:

<https://www.nswstratasleuth.info/SP52948-Economos-Audit-report-FY-2022-two-months-after-general-meeting-7Dec2022.pdf>

Explanatory notes:

Motion is designed to raise awareness of missing \$10,000.00 in SP52948 Audit Report for FY 2022 that was commisioned 43 days late.

Motion: Order Waratah Strata Management to issue invoices and receipts for five Lot 158 payments in amount of \$23,744.72 (GST excl)

The Owners Corporation SP52948 by ORDINARY RESOLUTION makes the following orders and confirms the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) Issue order to Waratah Strata Management to provide invoices and receipts for five Lot 158 payments in total amount of \$23,744.72 (GST excl), which owners corporation received for alleged legal costs of Solicitor Adrian Mueller:

\$5,000.00 on 2 July 2022
\$5,000.00 on 27 September 2022
\$5,000.00 on 3 January 2023
\$5,000.00 on 3 April 2023
\$3,744.72 on 4 July 2023

c) Waratah Strata Management refused to issue invoices and receipts for Lot 158 payments in amount of \$23,744.72 eight times:

26 September 2022
27 September 2022
8 June 2023
19 June 2023
19 July 2023
18 August 2023
12 September 2023
13 September 2023

d) Lot 158 payments in total amount of \$23,744.72 (GST excl), which owners corporation received for alleged legal costs of Solicitor Adrian Mueller:

Payments for what is alleged to be premeditated fraudulent actions by Solicitor Adrian Mueller for his alleged legal costs in NCAT case SC 20/33352 Waratah Strata Management is forced to repay insurance company in amount of \$19,758.14 (soon Police Event will be submitted as a follow-up to Crime Stoppers Event 648467) SP52948 committee members and Waratah Strata Management shall be included as accessories

Receipt number N270127422354 [Print receipt](#)

From account [redacted] Transaction date 02/07/22

To Account
Strata Plan 52948
182-222 [redacted]
Macquarie Bank Limited Amount \$5,000.00

Transaction description
Payment #1 for blackmail by Adrian Mueller CA 2022/70683

Receipt number N292724452061 [Print receipt](#)

From account [redacted] Transaction date 27/09/22

To Account
Strata Plan 52948
182-222 [redacted]
Macquarie Bank Limited Amount \$5,000.00

Transaction description
Payment #2 for blackmail by Adrian Mueller CA 2022/70683

Receipt number N210334711532 [Print receipt](#)

From account [redacted] Transaction date 03/01/23

To Account
Strata Plan 52948
182-222 [redacted]
Macquarie Bank Limited Amount \$5,000.00

Transaction description
Payment #3 for blackmail by Adrian Mueller CA 2022/70683

Receipt number N240335234636 [Print receipt](#)

From account [redacted] Transaction date 03/04/23

To Account
Strata Plan 52948
182-222 [redacted]
Macquarie Bank Limited Amount \$5,000.00

Transaction description
Payment #4 for blackmail by Adrian Mueller CA 2022/70683

Receipt number N270335152334 [Print receipt](#)

From account [redacted] Transaction date 04/07/23

To Account
SP52948
182-222 [redacted]
Macquarie Bank Limited Amount \$3,744.72

Transaction description
Payment #5 for blackmail by Adrian Mueller CA 2022/70683

Explanatory notes:

Motion is designed to raise awareness of problems with SP52948 accounting practices for missing invoices and receipts.

Motion: Ratify events related to Waratah Strata Management organizing 27 SP52948 executive committee meetings and seven Annual/Extraordinary General Meetings (AGM/EGM) since 1 February 2017 in non-compliance with Strata Schemes Management Act 2015 and Interpretation Act 1987 (NSW) for Meetings

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) Waratah Strata Management organized 27 executive committee meetings, and seven Annual/Extraordinary General Meetings (AGM/EGM), in non-compliance with requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW):

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-organised-non-compliant-ordinary-committee-meetings-in-period-2017-to-2023.html>

c) Extraordinary General Meetings on 27 April 2023 (Lot 27 and 103 major renovations) and Extraordinary General Meeting on 17

August 2023 (Lot 72 major renovations) were approved without compliance with strata laws, but also created litigation and insurance risks with example of Lot 87 in Block C who did not have approval for timber and kitchen renovation in May/June 2023:

<https://www.nswstratasleuth.info/SUMMARY-Another-discrimination-of-owners-in-SP52948-Non-compliant-Extraordinary-General-Meeting-on-27Apr2023.pdf>



Explanatory notes:

Motion is designed to raise awareness of continuous problems with SP52948 meetings organized in non-compliance with strata laws.

Motion: Ratify cost increases related to Uniqueco Property Services contracts made without tenders or full disclosure of information from 2015 to 2023

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) Building management contract paid yearly to service providers since 1999, as collected from SP52948 invoices, audited accounts, and official general meeting notices:

<https://www.nswstratasleuth.info/SP52948-brief-log-of-events-related-to-contracts-for-strata-and-building-managers-in-period-1999-to-Oct2020.pdf>

Financial Year	Building Manager	Total Contract Value	Official annual inflation rate
1999	Strata Sphere	\$186,611.00	1.48%
2000	Universal Strata Services	\$220,168.00	4.97%
2001	Universal Strata Services	\$220,624.00	4.41%
2002	Universal Strata Services	\$218,938.00	2.98%
2003	Universal Strata Services	\$218,167.00	2.73%
2004	Universal Strata Services	\$222,376.00	2.34%
2005	Universal Strata Services	\$227,995.00	2.69%
2006	Universal Strata Services	\$228,438.00	3.56%
2007	Universal Strata Services	\$232,844.00	2.33%
2008	Universal Strata Services	\$235,560.00	4.35%
2009	Universal Strata Services	\$244,287.00	1.77%
2010	Universal Strata Services	\$264,080.00	2.92%
2011	Universal Strata Services	\$245,094.00	3.30%
2012	Universal Strata Services	\$255,673.00	1.76%
2013	Universal Strata Services	\$256,605.00	2.45%
2014	Universal Strata Services	\$252,618.00	2.49%
2015	Uniquenco Property Services	\$275,838.00 (difference to previous year: 8.78%, contract RS/RH 081394 signed on 7 December 2014 by two committee members of which one of them - Mr. Moses Levitt of Lot 147 was unfinancial due to unpaid levies since 2001)	1.51%
2016	Uniquenco Property Services	\$292,912.00 (difference to previous year: 6.00%, minutes of committee meeting held on 21 March 2016 renewed contract for another year without any tender, although its expiration date was nine months later on 7 December 2016, contract value increased by 2% without owners corporation decision at general meeting on 22 April 2016)	1.28%
2017	Uniquenco Property Services	\$291,507.13 (difference to previous year: -0.48%, contract renewed without tender at general meeting on 24 October 2017 and signed by two unfinancial owners - Mr. Moses Levitt and Mr. Stan Pogorelsky of Lot 147 and 181 due to unpaid levies since 2001 and 1999 respectively, increasing the contract value by 4% per year)	1.95%
2018	Uniquenco Property Services	\$306,837.99 (difference to previous year: 5.12%)	1.91%
2019	Uniquenco Property Services	\$293,031.44 (difference to previous year: -4.60%)	1.61%
2020	Uniquenco Property Services	\$330,986.89 (difference to previous year: 12.16%, contract renewed without tender at general meeting on 22 October 2020)	0.85%
2021	Uniquenco Property Services	\$339,249.60 (difference to previous year: 2.46%)	2.86%
2022	Uniquenco Property Services	\$339,741.00 (difference to previous year: 0.14%)	6.59%
2023	Uniquenco Property Services	\$343,507.47 (difference to previous year: 1.1%, undisclosed increase of 2.0% since February 2023)	not yet published
2024	Uniquenco Property Services	Not applicable yet (undisclosed increase of 10.0% since September 2023)	not applicable yet

c) Contract with Uniquenco Property Services, approved at general meeting without tender or full disclosure, was signed on 7 December 2014 by two committee members of which one of them - Mr. Moses Levitt of Lot 147 was unfinancial due to unpaid levies since 2001 without disclosure to owners).

d) Contract with Uniquenco Property Services was renewed without tender at general meeting on 24 October 2017 and signed by two unfinancial committee members - Mr. Moses Levitt and Mr. Stan Pogorelsky of Lot 147 and 181 due to unpaid levies since 2001 and 1999 respectively, increasing the contract value by 4% per year.

e) Contract with Uniquenco Property Services was renewed without tender at general meeting on 22 October 2020.

f) In 2023, monthly salary for Uniqueco Property Services was increased two times:

<https://www.nswstratasleuth.info/SP52948-financials/>

- 2% in March 2023.
- 10 % in September 2023.

Date	161300 Maint Bldg--Building Management (monthly salary)	Difference to previous month
31/08/22	\$28,311.75	\$0.00
30/09/22	\$28,311.75	\$0.00
31/10/22	\$28,311.75	\$0.00
30/11/22	\$28,311.75	\$0.00
31/12/22	\$28,311.75	\$0.00
31/01/23	\$28,311.75	\$0.00
28/02/23	\$28,311.75	\$0.00
31/03/23	\$29,247.07	\$935.32
30/04/23	\$28,877.98	-\$369.09 (overpayment for previous month)
31/05/23	\$28,877.98	\$0.00
30/06/23	\$28,877.98	\$0.00
31/07/23	\$28,877.98	\$0.00
31/08/23	\$28,877.98	\$0.00
30/09/23	\$31,764.07	\$2,886.09

g) Solicitor Adrian Mueller stated the following on 25 January 2021 (sign-off date of his three-and-half page response to Lot 158 and NCAT in case SC 20/33352 was 18 January 2021 while hidden metadata (forensic investigation), contained real date of the document – 14 December 2020), confirming legal obligation of owners corporation to make all decisions related to strata and building management at general meetings:

Fourth, some of the orders sought in the Strata Schemes Application are not necessary. For example, there is no need for an order to be made restraining the strata committee from making decisions concerning strata management or building management contracts when those decisions can only be made by the Owners Corporation in general meeting: see ss 49(2) and 67(2) SSMA.

h) Contract for Uniqueco Property Services was increased by 2% at a committee meeting on 9 February 2023:

<https://www.nswstratasleuth.info/SP52948-Uniqueco-Property-Services-costs-increased-without-general-meeting-or-tender-March2023.png>

i) Contract with Uniqueco Property Services was increased by extra 10% at a committee meeting on 7 September 2023 without disclosure of amounts and without approval by owners corporation at general meeting:

<https://www.nswstratasleuth.info/SP52948-minutes-EC-7Sep2023.pdf>

<https://www.nswstratasleuth.info/SP52948-Income-and-Expenditure-Report-1Sep2023-to-13Sep2023.pdf>

j) Agenda for AGM 2020 did not comply with SSMA 2015 requirements for Motions:

SP52948 – Agenda for AGM 2020 failed to comply with SSMA 2015 requirements for Motions at general meetings, by not providing clear vote for renewing building management contract, and not allowing seven companies to bid for the building and strata management contracts

8 CARETAKERS CONTRACT

That the proposed contract renewal with Uniqueco Pty Ltd (Building Managers) be tabled and a decision made whether to accept this contract.

Motion must be ruled as "out of order" as it conflicts with the Act, is unlawful, and unenforceable.

According to Strata Community Association (NSW), definition of a Motion:

A proposal put forward for consideration at a meeting. A well written motion will enable the lot owner or committee member to vote yes (for) or no (against) on the matter.

- A motion must clearly state the proposal to be considered at the meeting.
- Motion must clearly state if an ordinary, special, or unanimous resolution is required.

k) Waratah Strata Management was fully aware of requirements for tenders for building management and strata management and multiple quotes for each and every expense above \$30,000.00 as listed in minutes for AGM in strata plan SP38936 on 25 October 2018:

Ms Heusler Motion 1: Strata Managing Agent

I put forward the motion that the OC appoint an independent Strata Managing Agent.

As a benchmark I propose:

- Strata Central Pty Ltd
- the OC delegate to the Agent all of the functions of:
 - the Owners Corporation (other than those listed in section 52(2) of the Act); and
 - a newly appointed chairperson, secretary and treasurer and SC, enable the Agent to carry out the 'agreed services' and the 'additional services' as defined in the written agreement attached to the notice of the meeting; and
- the delegation to the Agent is to be subject to the conditions and limitations in the Agreement; and
- the OC execute the Agreement to give effect to this appointment and delegation; and
- authority be given for the common seal of the OC to be affixed to the Agreement in accordance with section 273 of the Act.
- the delegations in this motion supersede all previous delegations.

I propose to run the selection and appointment process in an open and transparent way where the OC is invited to participate and documents are available to the OC at no cost.

Attached: Detailed proposal \$39,000 inc all disbursements and GST

Motion 1 Ruling:

Out of Order – not compliant with the SSMA.

- *Section 79(6) requires the Owners Corporation of a large strata scheme to include estimates prepared for an annual general meeting to include specific amounts in relation to each item or matter on which the owner corporation intends to spend money, or on which the owners corporation is aware money will be likely to be spent, in the period until the next annual general meeting. There is no such budget for the expenditure proposed by Ms Heusler.*
- *Section 102 of the SSMA and reg 25 of the Regulation require a minimum of two quotes for expenditure over \$30,000. Only one quote for strata management services has been provided by Ms Heusler.*

Comment:

The experience of other comparable large strata schemes is that the real cost would either be much greater than suggested in Ms Heusler's proposal, or else the quality of service would be unacceptably low. By way of comparison, our neighbours at No 73 pays about \$90,000 per annum for its strata management.

The Committee acknowledges that there may come a time in the future when there are not sufficient owners able or willing to do the work required to manage the strata scheme without the assistance of a paid strata manager. It may well be necessary at that time to engage the services of a strata management company. If that situation arises, the strata committee would undertake a competitive tendering process and put forward a properly considered and assessed proposal to the Owners for consideration.

l) Missing evidence of Police checks for building manager's staff, and licenses for security guards working for Uniqueco Property Services.

In the past, security guards were also requested to have first aid certificates, as per committee meeting in Lot 151 (Mrs. Maureen McDonald) which documented petition with around 40 owners (collected by late Dr. Edye) on 10 January 2001:

<https://www.nswstratasleuth.info/SP52948-EC-meeting-in-Lot-151-owners-petition-against-unlicensed-security-guards-10Jan2001.png>

Committee meeting on 14 February 2001 confirmed that building manager complied with the committee's request by having two licensed security guards:

<https://www.nswstratasleuth.info/SP52948-committee-meeting-confirmation-security-staff-licensed-and-holders-of-First-Aid-certificates-14Feb2001.png>

m) Staff of Uniqueco Property Services were involved in the following Police Events of intimidation, stalking, and harassment, with nine requests to obtain access to CCTV recordings for stalking, harassment, intimidation, and threats against Lot 158 were ignored by Waratah Strata Management, committee members, and building maintenance staff:

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-ignored-desperate-plea-by-Lot-158-female-to-prevent-her-stalking-and-harassment-18Feb2018.webp>

<https://www.nswstratasleuth.info/SP52948-endangering-life-and-safety-of-owner-to-prevent-their-investigations-about-mismanagement-of-strata-complex.html>

<https://www.nswstratasleuth.info/SP52948-secret-email-with-refusal-by-Uniqueco-Property-Services-to-provide-access-to-CCTV-for-security-related-incident-22Oct2020.webp>

<https://www.nswstratasleuth.info/SP52948-Example-of-preventing-access-to-CCTV-recording-as-evidence-in-Police-event-dated-11Aug2019.html>

<https://www.nswstratasleuth.info/SP52948-INCIDENT-reported-to-Waratah-Strata-Management-rude-unprofessional-and-aggressive-on-29Sep2019.html>

<https://www.nswstratasleuth.info/Waratah-Strata-Management-Stuart-Greene-deleted-SP52948-owner-email-without-reading-INCIDENT-Rude-unprofessional-and-aggressive-Uniqueco-Property-Service-staff-22Mar2021.html>

- Police Event H64596706 on 14 May 2017 - staff member of Uniqueco Property Services Mr. Steve Westrip tried to cause criminal record for Lot 158 who tried to discuss and defend his wife against persistent stalking (case was later dismissed in Local Court), Mr. Steve Westrip and his manager Mr. Steve Carbone received numerous advanced complaints and pleas to stop with intimidation of female owner but they had ignored it.
- Police Event E66107079 on 31 August 2017 - continuous stalking of female owner of Lot 158 by Uniqueco Property Services Mr. Steve Carbone.
- Police Event E244254697 on 26 March 2018 - one week after the alleged assault committed by Lot 158 against Mr. Steve Westrip was dismissed in court, staff member of Uniqueco Property Services Mr. Steve Westrip again followed female owner of Lot 158 and caused harassment, intimidation, and fear which ended with her being taken to hospital with blood pressure above 220.
- Police event E69860959 on 26 October 2018 - staff member of Uniqueco Property Service Mr. Steve Westrip again tried to intimidate female owner of Lot 158 by taking photos/videos of her on his mobile phone without valid reason and acting in threatening manner towards her.
- Police event E265804296 on 14 November 2018 - two staff members of Uniqueco Property Services (one of them was Mr. Steve Westrip and the other ageing cleaner Ms. Dorothy) tried to intimidate Lot 158 whilst he was collecting video and photo evidence of poor maintenance of the complex and fire safety non-compliance with state regulations (four years later as of November 2022, Uniqueco Property Services and Waratah Strata Management still have not complied with Ryde Council fire orders).
- Police event E372820993 on 11 August 2019 - staff member of Uniqueco Property Services Mr. Steve Westrip stalked and tried to intimidate Lot 158 whilst they were collecting video and photo evidence of damages to the tennis court.
- Police event E72924428 on 11 October 2019 – car of female owner of Lot 158 was damaged whilst parked on common property (by coincidence or not, Mr. Steve Westrip was working in the complex on that day and car of unfinancial committee member Mr. Stan Pogorelsky showed up parked near her car).
- Police event E74640451 on 17 October 2019 - executive committee member Mr. Jeffery Wang illegal recording of Lot 158 on his mobile phone at Annual General Meeting (it took three attempts to force him to stop - he ignored email sent to him after the meeting). Waratah Strata Management and staff of Uniqueco property Services were witnesses at the general meeting.

n) Staff of Uniqueco Property Services exhibited other types of threats towards other owners and tenants, with examples:

<https://www.nswstratasleuth.info/SP52948-angry-notice-from-maintenance-staff-basement-Block-C-photo-2-7Nov2021.jpg>

and Lot 12 complaint on 18 March 2019 (unredacted for legal reasons):

Later, I read the rules that were given to me when I moved in here. Clearly they state that courier items cannot be received by caretakers BUT THERE IS NO MENTION RE LARGER DELIVERIES, and, as I've already stated:

1. Delivery people are instructed to contact the caretaker - so why is this the case ???
2. Residents are NOT permitted to keep the garage door open and it needs to be kept open for deliveries to be brought in.

After the delivery people left I rang the maintenance man to ask what time Steve Carbone would be arriving. My intention was to clarify the "rules". He (Steve No-name) asked if I was from unit 12 then proceeded to berate me and insist that I had to be downstairs to receive deliveries. He would not permit me the opportunity to say anything. When I tried he told me not to talk over him (actually it was him talking over me) and to "FUCK OFF".

My son, a law student, overheard the entire conversation as it was on speaker. He suggested that the abuser is in breach of his employment CODE OF CONDUCT. Please ensure that you act on this matter appropriately.

o) Uniqueco Property Services was actively involved in knowingly allowing illegal parking on Lot 202 DP848752 440 Lane Cove Road, classified as Public Recreation Space for prolonged period of time, until Lot 158 force its closure:

<https://www.nswstratasleuth.info/Strata-Plan-SP52948-undisclosed-use-of-Ryde-Council-land-for-parking-May2019.pdf>

p) Staff of Uniqueco Property Services regularly park their vehicles illegally or in private owners' garages whilst their designated slot in front of tennis courts was empty (much more photo and vide evidence collected in 2023):

<https://www.nswstratasleuth.info/SP52948-report-submitted-to-Waratah-Strata-Management-about-repeated-illegal-parking-by-staff-26Mar2020.html>

<https://www.nswstratasleuth.info/SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-22Feb2022.png>

<https://www.nswstratasleuth.info/SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-Mar2023.png>

q) Evidence of quality of work provided by Uniqueco Property Services:

<https://www.nswstratasleuth.info/UPDATED-PROBLEM-REPORT-SP52948-persistent-fire-and-OHS-safety-13Sep2023.pdf>

<https://www.nswstratasleuth.info/SP52948-continuous-delays-with-fire-and-OHS-problems.html>

<https://www.nswstratasleuth.info/SP52948-lack-of-building-foyer-spot-light-maintenance.html>

<https://www.nswstratasleuth.info/SP52948-ongoing-maintenance-problems-mostly-ignored-by-Waratah-Strata-Management.html>

<https://www.nswstratasleuth.info/SP52948-dangers-to-wildlife-cat-roaming-freely.html>

<https://www.nswstratasleuth.info/SP52948-discrimination-of-dog-owners-and-lack-of-compliance-with-by-laws.html>

<https://www.nswstratasleuth.info/SP52948-risks-with-fallen-trees-and-lack-of-their-proactive-maintenance.html>

<https://www.nswstratasleuth.info/SP52948-continuous-problems-with-smoking-and-health-hazards.html>

Explanatory notes:

Motion is designed to raise awareness of continuous problems with SP52948 major contracts without tenders or disclosure of contract details.

Motion: Ratify Waratah Strata Management submission of false statement about last Annual General Meeting (AGM) at Strata Hub nsw.gov.au with risks of penalties for outdated and wrong information

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) Strata Hub is a digital platform with central access point for those people who build, own, live or work in strata. The Strata Hub forms part of the NSW Government's broader transformation of the regulation of residential apartment buildings, where transparency and better customer outcomes are paramount:

<https://www.nsw.gov.au/housing-and-construction/strata/strata-reporting-user-guide>

c) Waratah Strata Management and committee members were warned six times about their failure to submit correct data at Strata Hub, last one was on 13 September 2023:

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-6-13Sep2023.html>

d) Registration at Strata Hub on 15 May 2023 claimed that SP52948 had last AGM on 1 January 2022.

Real date of last AGM was 27 October 2022.

e) Penalties of up to \$5,500.00 may apply if strata schemes do not complete their 2022 report by 30 June 2023. Owners corporation must keep information up to date. Penalties of up to \$2,200.00 may apply if a strata scheme becomes aware that the reported information is outdated or incorrect and does not update it on the Strata Hub within 28 days, which expired in July 2023, because Lot 158 initially warned Waratah Strata Management and committee members on 8 June 2023.

f) Screenshots from Strata Hub show that information about last general meeting did not change as of October 2023:

<https://www.nswstratasleuth.info/SP52948-NSW-strata-registration-15May2023-screenshot-taken-on-7Jun2023.png>

<https://www.nswstratasleuth.info/SP52948-NSW-strata-registration-15May2023-screenshot-taken-on-19Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-NSW-strata-registration-15May2023-screenshot-taken-on-5Oct2023.png>

Explanatory Notes

Motion is designed to raise awareness about non-compliance with NSW strata hub reporting.

Motion: SP52948 declined to ratify past events making owners and Waratah Strata Management liable under Section 8(a) of National Anti-Corruption Commission Act 2022 and legislation amending the Public Interest Disclosure Act 2013

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) Ratification has a retrospective effect, and binds the principal from its date, and not only from the time of the ratification, for the ratification is equivalent to an original authority, according to the maxim, that omnis rati habitio mandate aequiparatur (ratification is equivalent to express command). As a general rule, the principal has the right to elect whether he will adopt the unauthorized act or not. But having once ratified the act, upon a full knowledge of all the material circumstances, the ratification cannot be revoked or recalled, and the principal becomes bound as if he had originally authorized the act. The ratification must be voluntary, deliberate, and intelligent, and the party must know that without it, he would not be bound.

c) On 14 November 2021, committee members and Waratah Strata Management were warned that approving minutes of general meetings in 2020 and 2019 effectively voted against previous general meetings, and made all engagement by Solicitor Adrian Mueller void and invalid due to standard legal principle of ratification.

d) On 27 October 2022, general meeting did not ratify Lot 158 Motions, effectively voting against previous general meetings,

making all engagement by Solicitor Adrian Mueller void and invalid due to standard legal principle of ratification.

e) Lot 158 Motions that were prevented by Solicitor Adrian Mueller and Waratah Strata Management:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2017.pdf>

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2018.pdf>

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2019.pdf>

<https://www.nswstratasleuth.info/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-2020.pdf>

<https://www.nswstratasleuth.info/SP52948-Submitted-Motions-by-Lot-158-for-Annual-General-Meeting-7Oct2022.pdf>

<https://www.nswstratasleuth.info/SP52948-evidence-submitted-to-NCAT-Supreme-Court-and-OLSC-premeditated-plan-by-Solicitor-Adrian-Mueller-to-prevent-Applicant-Motions-and-disallow-owners-to-vote-at-AGM-2017.pdf>

<https://www.nswstratasleuth.info/SP52948-evidence-submitted-to-NCAT-Supreme-Court-and-OLSC-premeditated-plan-by-Solicitor-Adrian-Mueller-to-prevent-Applicant-Motions-and-disallow-owners-to-vote-at-AGM-2018.pdf>

Explanatory Notes

Motion is designed to raise awareness of continuous problems with owners being disallowed from considering Motions at general meetings that were designed to enforce proper financial and common property management.

Motion: Ratify owners prevented to have access to NCAT SC 20/33352 documents and Statutory Declaration by Lot 158

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) At AGM on 27 October 2022, when negative balance in Admin Fund amounted to \$203,914.85 without disclosure to owners, owners did not ratify Lot 158 Motions, including Motion for AGM 2020 "Ratify owners prevented to have access to NCAT SC 20/33352 documents and Statutory Declaration by Lot 158".

c) Waratah Strata Management failed to provide owners with secure website access details for NCAT case SC 20/33352 on 25 September 2020 (the site below is now locked down and access can be provided at different website upon request):

Subject: CONFIDENTIAL: NCAT SC 20/33352 website access
From: SP52948 Lot 158
Date: 25/9/20, 12:13
To: Stuart Greene <stuart@waratahstrata.com.au>, robert Crosbie
<Robert@waratahstrata.com.au>

Not to be shared with any party without disclosure.

No files can be shared with any party without disclosure.

This information can and should be provided by the Secretary of the committee to ALL owners as part of AGM 2020 agenda (safest option is to publish it on Waratah Strata web portal).

URL <https://www.vk2cot.id.au/NCAT-20-33352/>

Login sp52948user

Password MtOJ1fiRSUJkMk00-%

For security reasons, and in compliance with laws, access is monitored at all times.

Regards

d) Waratah Strata Management failed to provide owners with Lot 158 sworn Statutory Declaration:

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

e) Waratah Strata Management failed to provide owners with update of events related to NCAT case SC 20/33352 and Supreme Court Costs Assessment case CA 2022/70683 which was initiated without owners corporation approval at any legally-convened meeting.

Explanatory Notes

Motion is designed to raise awareness of continuous problems with SP52948 excessive legal costs and risks.

Motion: Ratify discrimination against townhouse owners and owners on ground floors of four buildings though illegal approval for Lot 151 to obtain exclusive access to common property without special resolution and special by-law registration – Lot 151 is the only recipient of ColorBond gate on their fence

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) At AGM on 27 October 2022, when negative balance in Admin Fund amounted to \$203,914.85 without disclosure to owners, owners did not ratify Lot 158 Motions, including Motion “Ratify discrimination against townhouse owners and owners on ground floors of four buildings – Lot 151 the only recipient of ColorBond gate on their fence”.

c) New ColorBond gate was loaded into ex-committee member Lot 151 backyard (Ms. Maureen MacDonald) around 22 December 2021:

<https://www.nswstratasleuth.info/SP52948-ex-committee-member-Lot-151-colorbond-panel-replacement-on-common-property-without-decision-at-any-meeting-22Dec2021.png>

d) On 10 January 2022, Lot 151 installed gate with lock on ColorBond fence towards external gardens:

<https://www.nswstratasleuth.info/SP52948-Lot-151-new-colorbond-door-installed-on-common-property-without-approval-10Jan2022.png>

<https://www.nswstratasleuth.info/SP52948-ongoing-maintenance-problems-mostly-ignored-by-Waratah-Strata-Management.html>

e) At AGM 2022, Waratah Strata Management published the following decisions in Motion 16:

16 MOTIONS REQUISITIONED BY LOT 158

The Owners Corporation incurred legal fees of \$1,391.50 to have JS Mueller and Co review the validity of the motions requisitioned by Lot 158. Mueller's advised that all of the motions submitted (except one) should be ruled out of order by the chairperson on the grounds that:

- (a) The motions, if carried, would be unenforceable; or
- (b) The motions, are in fact, not motions at all but rather statements of opinion that do not require any decision to be made.

The Chairman ruled Motions, 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16 out of order as advised.

Motion 6 was ruled out of order and the Owners Corporation does not agree to provide Lot 158 with access to the legally privileged records.

Motion 7: Resolved the Owners Corporation does not authorise Lot 158 to be empowered to represent the Owners Corporation in legal cases against Adrian Mueller to recover money from him.

Motion 15 relates the installation of a gate to Lot 151. The owner of that lot, Maureen McDonald, refutes the allegations made that the gate was not approved and that she did not pay 50% of the cost of that work. The installation of the gate was approved by the strata committee in November 2021 and 100% of the cost of the gate was paid by Maureen McDonald.

f) There is no evidence of document approving gate for Lot 151 in November 2021. Only two documents were published for the whole month of November 2021:

- Minutes of AGM 2022 (published on 4 November 2021).
- Agenda for committee meeting (published on 25 November 2021).

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-5-11Sep2023.png>

g) There is no evidence of approval to change common property in Lot 151 in any document published or given to any owner:

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-1-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-2-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-2-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-4-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-5-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-6-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-7-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-8-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-9-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-10-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-11-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-12-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-13-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-14-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-15-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-16-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-17-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-18-11Sep2023.png>

h) There is no evidence of owners corporation submitting change to common property plans with NSW Land Registry Services for the following changes since 2022:

- Lot 151 change of ownership for gate on the fence,
- Extraordinary General Meeting on 27 April 2023 (Lot 27 and 103 major renovations),
- Extraordinary General Meeting on 17 August 2023 (Lot 72 major renovations),
- Lot 87 who did not have approval for timber and kitchen renovation in May/June 2023.

i) Lot 151 is the only owner of such gate on the fence which allows her to enter/exit her property without using main entrances in the complex.

j) Without a Special By-Law and its registration with NSW Land Registry Service, the fence costs and maintenance would be shared equally between Lot 151 and the owners corporation (gates located in this area are treated in the same way), which would put unfair and unnecessary burden to other owners who do not benefit from this private change.

k) When change or damage has been caused by work undertaken by an owner who did not receive proper consent from the owner's corporation, it is the owner's own responsibility. Courts have held that when considering maintenance and reparation to be the owners corporation's responsibility, it must be in relation to the ORIGINAL common property, not in relation to alterations or additions that have been made by an owner without permission. This was concluded in *The Owners Strata Plan 50276 v Thoo* [2013] NSWCA 270 and the case of *Krimbogiannis*.

l) If an owner wants to keep the unauthorized alterations, a Special By-Law needs to be made to permit this (full costs of organizing Extraordinary General Meeting and by-law registration must be borne by such owner). This new by-law should impose on the owner the obligation to maintain and repair the works.

If an owner wants to keep the unauthorized alterations, a by-law needs to be made to permit this (full costs of organizing Extraordinary General Meeting and by-law registration to be borne by Mrs. Maureen McDonald). This new by-law should impose on the owner the obligation to maintain and repair the works. If the owners corporation does not want the work to remain, an order by NCAT should be made to require the owner to remove the work, or for the owner to allow the owners corporation to remove the work. Section 132 of the SSMA allows for NCAT to make an order that the owner that performed the work takes steps to repair the damage, or an order that the owner pays the owners corporation the cost of repairs of the damage.

m) Document search on 8 June 2022, found no evidence of approvals for ColorBond gate or payments by Lot 151.

n) Admin Fund balance had negative balance of \$53,002.08 on the date of gate installation in Lot 151 (10 January 2022):

<https://www.nswstratasleuth.info/SP52948-financials/SP52948-Balance-Sheet-as-at-10Jan2022.pdf>

Explanatory Notes

Motion is designed to raise awareness of illegal approval of granting exclusive right to common property to Lot 151.

Motion: Ratify events in relation to missing register of items excluded from common-property with updates in 2023 and issue order to Waratah Strata Management to resolve outstanding unregistered losses of common property

The Owners Corporation SP52948 by ORDINARY RESOLUTION approves the following orders and ratifies the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) Owners corporation makes an order to Waratah Strata Management to conduct full audit of items that are not common property any longer and report it to owners within 30 days after this Motions is approved.

c) Owners corporation makes an order to Waratah Strata Management to update the register of gas heating connections and report it to owners within 30 days after this Motions is approved.

d) Owners corporation makes an order to Waratah Strata Management to update the register of approvals granted monthly and make it available via strata management's web site free of charge.

e) Owners corporation makes an order to Waratah Strata Management to organize an Extraordinary General Meeting (or prepare the process for next Annual general meeting) to formally approve common property items that became private property, or enforce their return to SP52948 at full costs payable by owners who made changes without general meeting (as per Section 132 of the SSMA).

f) At AGM 2020, Waratah Strata Management and Solicitor Adrian Mueller prevented owners from voting on Lot 158 Motions, including "Ratify events in relation to missing register of items excluded from common-property, non-compliance with EC decision on 2 May 2001, and enforce EC decision to keep register of approvals granted to owners made on 2 May 2001".

g) BCS Strata Management failed to include this Motion in the agenda for AGM 2016 without due notice to the requester of the Motion, and owners corporation denied a vote on the Motion.

h) Waratah Strata Management failed to allow this Motion to be discussed at AGM 2017, 2018, and 2019, in non-compliance with Strata Schemes Management Act 2015, Schedule 1, c(4).

i) BCS Strata Management and Waratah Strata Management failed to comply with decision of EC meeting on 2 May 2001 to keep register of approvals granted to owners:

<https://www.nswstratasleuth.info/SP52948-Lot-158-report-on-30Jun2019-ignored-by-Waratah-Strata-Management-for-failures-to-comply-with-decision-to-keep-register-of-approvals-granted-to-owners-since-2May2001.html>

j) Some of items not registered with NSW Land Registry Services:

<https://www.nswstratasleuth.info/SP52948-Consolidated-By-Laws-17Nov2022.pdf>

- Five private lattices in front of townhouses Lot 194, Lot 197, Lot 199, Lot 202, and Lot 216 (not approved at any meeting).
- Committee meeting on 15 August 2007: Lot 135 application for solar film on windows.
- 28 March 2011: Townhouse 194 requested new gas boiler and separate gas meter.
- Committee meeting on 4 February 1998: Lots 177 and 183 approved to install double-glaze windows (By-Law planned to be approved at General Meeting but never eventuated).
- Committee meeting on 17 March 1998: Lot 62 approved to install double-glaze windows (By-Law planned to be approved at general meeting but never eventuated).
- Committee meeting on 17 March 1998: Townhouse 219 approved to install polycarbonate sheeting as pergola cover and installation of air-conditioning unit.
- Committee meeting on 19 August 1998: Townhouse 206 approved to install polycarbonate sheeting as pergola cover.
- Committee meeting on 15 August 2007: Lot 135 installation of solar film on windows.
- Committee meeting on 15 August 2007: roof insulation in townhouses (work completed on 12 March 2008 in amount of \$15,456.00).
- Committee meeting on 4 March 2015: Two townhouse connections from their courtyards to common storm water drain (acquisition of common property without Special Resolution or registered By-Law).
- Lot 193: double-glaze windows in 2017.
- Lot 114: Special casing for lights in the garage.
- Lot 151 installation of gate on ColorBond fence.
- External doors on townhouses (photos taken on 13 September 2023), with lack of any standards for common-look appearance of common property:

<https://www.nswstratasleuth.info/SP52948-common-property-changes-without-approvals-external-doors-in-townhouses-13Sep2023.png>

Explanatory Notes

Motion is designed to raise awareness of misappropriation of common property and risks to owners to pay costs for private and exclusive usage of common property without special resolutions and by-laws.

Motion: Ratify events in relation to missing common property (timber) behind townhouses and outstanding repairs of fence behind townhouses

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) Waratah Strata Management received the following submissions about problems with maintenance and OH&S risks behind townhouses. No reply was received:

<https://www.nswstratasleuth.info/SUMMARY-reported-to-Waratah-Strata-Management-SP52948-repeated-and-new-issues-behind-townhouses-7Oct2019.html>

<https://www.nswstratasleuth.info/SP52948-REQUEST-FOR-MAINTENANCE-Wooden-fence-behind-townhouses-on-7Jul2020.html>

<https://www.nswstratasleuth.info/SP52948-failed-maintenance-wooden-fence-behind-townhouses-2Feb2021.html>

<https://www.nswstratasleuth.info/SP52948-FAILURE-TO-MAINTAIN-COMMON-PROPERTY-Wooden-fence-rotten-railings-and-eroded-soil-behind-townhouses-on-17Apr2021.html>

c) Part of rotten fence was suddenly replaced in early June 2021, and there was some leftover timber for the fence towards M2 motorway:

<https://www.nswstratasleuth.info/SP52948-extra-timber-leftover-from-fence-replacement-behind-townhouses-photo-1-4Jun2021.webp>

d) The additional timber was left on common property until around 27 October 2021, when it disappeared, without fence repairs being finalized:

<https://www.nswstratasleuth.info/SP52948-sudden-disappearance-of-extra-timber-from-fence-replacement-behind-townhouses-photo-1-27Oct2021.webp>

e) An inquiry about missing common property was sent to Waratah Strata Management and four committee members (Mr. Jeffery Wang, Mr. John Gore, Mr. Stan Pogorelsky, and Mr. Thomas Karolewski) on 14 November 2021. No reply was received:

<https://www.nswstratasleuth.info/SP52948-inquiry-about-disappeared-timber-behind-townhouses-14Nov2021.html>

e) Repeated request was sent to Waratah Strata Management and eight committee members on 19 June 2023, and four more times since then. No reply was received.

These requests contained photo evidence of fence requiring repairs:



Explanatory notes:

Motion is designed to raise awareness of continuous problems with maintenance of common property and protection of common property ownership.