

**Motion: Confirm Waratah Strata Management failed to justify invoices and expenses in amount of \$122,843.87 (GST excl) before, at, and after AGM 2023**

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

a) Lot 158 sent request to 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) on 20 October 2023, asking for evidence and clarification of FY 2023 expenses in amount of \$122,843.87 (GST excl).

Subject line of the email was "REQUEST - Provide evidence and justify questionable payments from SP52948 Admin Fund for AGM 2023":

[SP52948-AGM-2023-dubious-invoices-24Oct2023.pdf](#)

b) No reply was provided before, at, and after AGM 2023.

c) At AGM 2023 in Motion 3, Mr. Robert Crosbie disallowed discussion on FY 2023 financials.

d) In FY 2022 and 2023, Waratah Strata Management failed to issue invoices and receipts to Lot 158 in total amount of \$23,744.72 (GST excl), which owners corporation received for alleged legal costs of Solicitor Adrian Mueller.

e) Waratah Strata Management failed to confirm if SP52948 claimed GST on Lot 158 payments because they did not have GST in the price (\$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

f) Auditor's report was not completed before AGM 2023.

g) Waratah Strata Management did not allow owners to receive information about misleading accounting practice which was not discussed at AGM 2023: on 18 August 2023, owners paid \$23,993.18 (GST excl) for pool renovations:

**Maint Grounds--Pool Renovation 279200**

18/08/2023 Pool Resurfacing - Part Payment

Fibrestyle Pool Resurfacing

23,993.18 Paid DE 917032 001721

\$23,993.18

Cancer in pool area was known since 2017. Decision to repair pool was not planned at general meeting. Evidence of tender not presented to any owner. Details of warranties were not presented to any owner.

Second part of payment in amount of \$25,527.73 was on 8 September 2023 so that costs did not look excessive in FY 2023 - renovation was done without owners' decision at general meeting:

Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	
Capital Works Fund			
	Current period 01/09/2023-01/09/2023	Previous year 01/09/2022-31/08/2023	
<b>Revenue</b>			
242500	Interest on Arrears-Capital Works	0.00	411.86
242600	Interest on Investments-Capital Works	0.00	18,063.24
243000	Levies Due-Capital Works	0.00	330,016.08
	<b>Total revenue</b>	<b>0.00</b>	<b>348,491.18</b>
<b>Less expenses</b>			
252800	Admin-Income Tax-Capital Works	0.00	238.30
264200	Maint Bldg-Consultants	0.00	15,400.00
264600	Maint Bldg-Doors, Locks & Windows	0.00	5,575.00
264800	Maint Bldg-Electrical	0.00	7,837.49
265450	Maint Bldg-Exhaust/Ventilation Replacement	0.00	5,008.64
265800	Maint Bldg-Fire Protection	0.00	43,711.00
265900	Maint Bldg-Floor Tiling Replacement	0.00	260.00
266600	Maint Bldg-Garage Doors	0.00	1,355.00
267450	Maint Bldg-Hot Water System Replacement	0.00	6,946.08
267475	Maint Bldg-Intercom Installation/Replacement	0.00	6,102.41
271600	Maint Bldg-Painting & Surface Finishes	0.00	710.00
271800	Maint Bldg-Painting Materials	0.00	1,117.27
272200	Maint Bldg-Plumbing & Drainage	0.00	10,030.00
272250	Maint Bldg-Pump Replacement	0.00	5,372.00
272800	Maint Bldg-Roof, Gutter & Downpipes	0.00	1,950.00
272950	Maint Bldg-Security Installation/Replacement	0.00	420.00
273700	Maint Bldg-Shower Tray Replacements	0.00	2,000.00
275000	Maint Bldg-TV Antenna & Cables	0.00	809.09
276000	Maint Bldg-Walls, Floors & Ceilings	0.00	4,443.64
276800	Maint Grounds-Fencing	0.00	970.00
277800	Maint Grounds-Irrigation Systems	0.00	2,873.87
279200	Maint Grounds-Pool Renovation	4,080.00	23,993.18
281000	Prior Period GST Expense Adjustment-Capital Works	0.00	761.30
	<b>Total expenses</b>	<b>4,080.00</b>	<b>147,884.27</b>
	<b>Surplus/Deficit</b>	<b>(4,080.00)</b>	<b>200,606.91</b>
	Opening balance	1,489,705.07	1,289,098.16
	<b>Closing balance</b>	<b>\$1,485,625.07</b>	<b>\$1,489,705.07</b>

Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	
Capital Works Fund			
	Current period 01/09/2023-08/09/2023	Previous year 01/09/2022-31/08/2023	
<b>Revenue</b>			
242500	Interest on Arrears-Capital Works	0.00	411.86
242600	Interest on Investments-Capital Works	0.00	18,063.24
243000	Levies Due-Capital Works	0.00	330,016.08
	<b>Total revenue</b>	<b>0.00</b>	<b>348,491.18</b>
<b>Less expenses</b>			
252800	Admin-Income Tax-Capital Works	0.00	238.30
264200	Maint Bldg-Consultants	0.00	15,400.00
264600	Maint Bldg-Doors, Locks & Windows	0.00	5,575.00
264800	Maint Bldg-Electrical	0.00	7,837.49
265450	Maint Bldg-Exhaust/Ventilation Replacement	0.00	5,008.64
265800	Maint Bldg-Fire Protection	0.00	43,711.00
265900	Maint Bldg-Floor Tiling Replacement	0.00	260.00
266600	Maint Bldg-Garage Doors	0.00	1,355.00
267450	Maint Bldg-Hot Water System Replacement	0.00	6,946.08
267475	Maint Bldg-Intercom Installation/Replacement	0.00	6,102.41
271600	Maint Bldg-Painting & Surface Finishes	0.00	710.00
271800	Maint Bldg-Painting Materials	0.00	1,117.27
272200	Maint Bldg-Plumbing & Drainage	0.00	10,030.00
272250	Maint Bldg-Pump Replacement	0.00	5,372.00
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273700	Maint Bldg-Shower Tray Replacements	0.00	2,000.00
275000	Maint Bldg-TV Antenna & Cables	0.00	809.09
276000	Maint Bldg-Walls, Floors & Ceilings	0.00	4,443.64
276800	Maint Grounds-Fencing	0.00	970.00
277800	Maint Grounds-Irrigation Systems	0.00	2,873.87
279200	Maint Grounds-Pool Renovation	25,527.73	23,993.18
281000	Prior Period GST Expense Adjustment-Capital Works	0.00	761.30
	<b>Total expenses</b>	<b>25,527.73</b>	<b>147,884.27</b>
	<b>Surplus/Deficit</b>	<b>(25,527.73)</b>	<b>200,606.91</b>
	Opening balance	1,489,705.07	1,289,098.16
	<b>Closing balance</b>	<b>\$1,464,177.34</b>	<b>\$1,489,705.07</b>

## Explanatory notes:

Motion is designed to raise awareness of lack of financial accountability at AGM 2023.

### **Motion: Confirm five Waratah Strata Management non-compliance actions with Clause 21 of the Strata Schemes Management Regulations 2016 and Section 95 of the Strata Schemes Management Act 2015 for SP52948 Auditor Reports and refusal to notify owners about NSW Fair Trading - Reference Number 11138875 before and at AGM 2023**

The Owners Corporation SP52948 by ORDINARY RESOLUTION 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:

[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 declined to inform owners for AGM 2023 about NSW Fair Trading - Reference Number 11138875 in regards to their non-compliance with Auditor's reports.

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

e) 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.

f) 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.

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

h) Auditor's Report for FY 2018 was 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.*

- i) Auditor's Report for FY 2019 was 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").
- j) Auditor's Report for FY 2022 was signed on 3 November 2020 (13 days after due date), not presented to owners for AGM.
- k) Auditor's Report for FY 2023 was signed on 7 December 2022 (43 days after due date), not presented to owners for AGM.
- l) 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 AGM 2023 on 26 October 2023.
- m) 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).
- n) Waratah Strata Management and Economos Auditor failed to respond to inquiries about financial accounting data for FY 2022.
- o) Waratah Strata Management failed to comply with SSMA 2015 and SSMR 2016 five times:

[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: Confirm that 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 confirm 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:

[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 \$5,000.00 (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).

[SP52948-discrepancies-between-Solicitor-Adrian-Mueller-legal-and-insurance-payments-FY-2022-and-2023.pdf](#)

e) 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:

[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: Confirm Waratah Strata Management failed to comply with Strata Schemes Management Act 2015 (NSW), Schedule 1, Part 10 (1) at AGM 2023**

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

a) On 7 October 2023, the following request by Lot 158 was sent to 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):

*“Request for Waratah Strata Management: in accordance with Strata Schemes Management Act 2015 (NSW), Schedule 1, Part 10 (1), Lot 158 requests that owners corporation provides copies of administrative fund, the capital works fund and any other fund of the owners corporation (term deposits are one example), which have to be produced to the owner at least two days before the meeting at which the statements are to be presented (AGM on 26 October 2023). Of special interest will be evidence of how Waratah Strata Management paid invoices from Admin Fund which had negative balance almost 100% of the time during FY 2023. If the money was borrowed from Capital Works Fund, Waratah Strata Management must have complied with Strata Schemes Management Act 2015 Section 76.”*

b) On 24 October 2023, Lot 158 sent email to 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). The subject line of the email was “DEADLINE EXPIRED - UPDATED EVIDENCE PART 4 - NSW Fair Trading - Reference Number 11138875”.

c) Waratah Strata Management failed to comply with the request before, at, and after AGM 2023 on 26 October 2023.

d) At AGM 2023, Waratah Strata Management was asked to provide evidence of how invoice were paid when Admin Fund had such deficit (negative balance) throughout 2023. Waratah Strata Management and committee members failed to provide any response: [SP52948-negative-trends-with-Admin-Fund-under-Waratah-Strata-Management.html](#)

Explanatory notes:

Motion is designed to raise awareness of continuous lack of financial accountability and compliance with strata laws.

**Motion: Confirm Waratah Strata Management and nine committee members had knowledge of AGM 2022 and two EGMs in 2023 failed to comply with SSMA 2015 and Interpretation Act 1987 (NSW) and declined to notify owners about them before and at AGM 2023**

The Owners Corporation SP52948 by ORDINARY RESOLUTION 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 email from Lot 158 on 18 October 2023 with subject line “PART 4 SUMMARY Insurance risks and mismanagement of strata plan SP52948 with high concerns for safety, financial health (bankruptcy risk), and non-compliance with laws on 18Aug2023”.

No reply was received from them.

b) 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 email from Lot 158 on 26 October 2023 with subject line “HIGH LEGAL AND INSURANCE RISK - UPDATED EVIDENCE PART 5 - NSW Fair Trading - Reference Number 11138875”.

No reply was received from them.

c) AGM 2022 and two EGMs in 2023 were not compliant with SSMA 2015 and Interpretation Act 1987 (NSW):

Annual General Meeting 2022, as organized by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 1, Section 4 (1) and (3), and section 7, and Interpretation Act 1987 (NSW) - one notice day missing

Day/Date	Weekday	Service Calculation Event
1, 11/10/2022	Tuesday	Notice posted (postage date must not be counted)
2, 12/10/2022	Wednesday	First working day
3, 13/10/2022	Thursday	Second working day
4, 14/10/2022	Friday	Third working day
5, 15/10/2022	Saturday	Weekend
6, 16/16/2022	Sunday	Weekend
7, 17/10/2022	Monday	Fourth working day
8, 18/10/2022	Tuesday	Fifth working day
9, 19/10/2022	Wednesday	Sixth working day
10, 20/10/2022	Thursday	Seventh working day - notice effective
11, 21/10/2022	Friday	First notice day
12, 22/10/2022	Saturday	Second notice day
13, 23/10/2022	Sunday	Third notice day
14, 24/10/2022	Monday	Fourth notice day
15, 25/10/2022	Tuesday	Fifth notice day
16, 26/10/2022	Wednesday	Sixth notice day
		Seventh notice day is missing!
17, 27/10/2022	Thursday	Date of meeting (must not be counted)

Extraordinary General Meeting dated 27 April 2023, as organized by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW) – one notice day missing

Day/Date	Weekday	Service Calculation Event
1, 12/04/2023	Wednesday	Notice posted (postage date must not be counted)
2, 12/04/2023	Wednesday	First working day
3, 13/04/2023	Thursday	Second working day
4, 14/04/2023	Friday	Third working day
5, 15/04/2023	Saturday	Weekend
6, 16/04/2023	Sunday	Weekend
7, 17/04/2023	Monday	Fourth working day
8, 18/04/2023	Tuesday	Fifth working day
9, 19/04/2023	Wednesday	Sixth working day
10, 20/04/2023	Thursday	Seventh working day - notice effective
11, 21/04/2023	Friday	First notice day
12, 22/04/2023	Saturday	Second notice day
13, 23/04/2023	Sunday	Third notice day
14, 24/04/2023	Monday	Fourth notice day
15, 25/04/2023	Tuesday	Anzac day - Fifth notice day
16, 26/04/2023	Wednesday	Sixth notice day
		Seventh notice day is missing!
17, 27/04/2023	Thursday	Date of meeting (must not be counted)

Extraordinary General Meeting dated 17 August 2023, as organized by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW) – five notice days missing

Day/Date	Weekday	Service Calculation Event
1, 03/08/2023	Thursday	Notice posted? (postage date must not be counted)
2, 04/08/2023	Friday	First working day
3, 05/08/2023	Saturday	Weekend
4, 06/08/2023	Sunday	Weekend
5, 07/08/2023	Monday	Second working day
6, 08/08/2023	Tuesday	Third working day
7, 09/08/2023	Wednesday	Fourth working day
8, 10/08/2023	Thursday	Fifth working day
9, 11/08/2023	Friday	Sixth working day
10, 12/08/2023	Saturday	Weekend
11, 13/08/2023	Sunday	Weekend
12, 14/08/2023	Monday	Seventh working day - notice effective
13, 15/08/2023	Tuesday	First notice day
14, 16/08/2023	Wednesday	Second notice day
15, 17/08/2023	Thursday	Date of meeting (must not be counted) (five notice days missing!)

[SP52948-AGM-2023-misconducts-and-risks-24Oct2023.pdf](#)

[SP52948-Waratah-Strata-Management-organised-non-compliant-ordinary-committee-meetings-in-period-2017-to-2023.html](#)

d) Waratah Strata Management was fully aware of requirements for sending agenda for general meetings, as sent by Lot 158 to Mr. Robert Crosbie in emails on 13 March 2020 with subject line “Mediation SP52948 Case - 00351498 - Persistent non-compliance with Interpretation Act 1987 (NSW) – 13Mar2020” and on 14 March 2020 with subject line “FOR OFFICIAL RECORDS: Mediation SP52948 Case 00351498 and Fair Trading Files 9363613 and 9761719 - Persistent non-compliance with Interpretation Act 1987 (NSW) - 14Mar2020”. Waratah Strata Management did not attend the free mediation at NSW Fair Trading but continued to act in non-compliance with the Act.

One owners corporation was recently stung in the decision of ACA Developments Pty Ltd vs The Owners - Strata Plan No. 73759 (2023) (“ACA Development”). In this case, a notice was issued to convene a general meeting of the owners corporation with a motion to pass a by-law aimed at restricting short-term accommodation. However, the notice was served five clear days prior to the scheduled meeting, failing to meet the mandatory seven-day requirement under the SSMA. As a result, the Tribunal declared the resolution made at that meeting as invalid and repealed the by-law registered subsequent to the motion’s passage.

In ACA Development, the owners corporation served the meeting notice through a mailing company, and the mailing company lodged the notice with Australian Post 2 days short of the statutory requirement. Delivery to a mail house is not delivery to the postal system. In accordance with the Interpretation Act 1987, service of the notices was deemed to be effected on the seventh working day after they were posted, with the day of receipt excluded from the calculation.

The ACA Development case also highlighted the significance of strict compliance with the seven-day notice requirement, as established by a previous Supreme Court case, The Owners – Strata Plan No 62022 v Sahade [2013] NSWSC 2002 (“Sahade”). In Sahade, the notice of the general meeting was served one day late, precisely six days before the meeting. The Supreme Court emphasized that strict compliance is necessary, particularly when the Act employs the terms “must” and “at least,” ensuring the effectiveness of a properly served notice.

e) 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:

[SUMMARY-Another-discrimination-of-owners-in-SP52948-Non-compliant-Extraordinary-General-Meeting-on-27Apr2023.pdf](#)



f) Waratah Strata Management failed to inform owners that the decision to renew their contract in Motion 12 at AGM 2022 was void and null.

Explanatory notes:

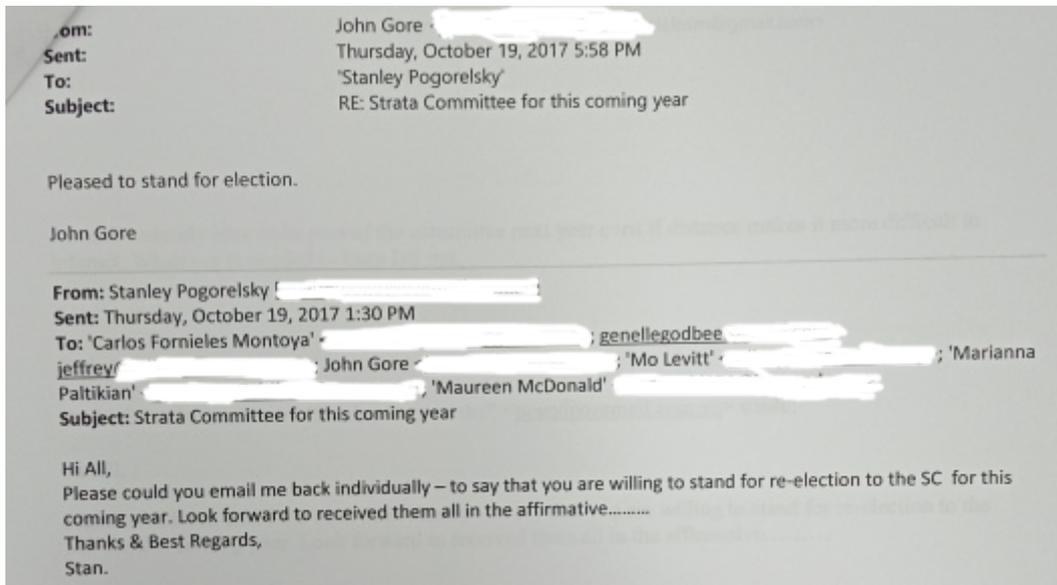
Motion is designed to raise awareness of continuous problems with SP52948 conduct of meetings with high legal and insurance risks.

**Motion: Confirm Waratah Strata Management failed to provide evidence of compliance with Strata Schemes Management Act 2015 Section 31 (1) (c) at AGM 2023 and knowingly acted against the Act at AGM 2017**

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following events and legal requirements:

- a) At AGM on 26 October 2023, Lot 158 asked Waratah Strata Management for proof that candidates for committee did not self-nominate, as such action would be non-compliant with Strata Schemes Management Act 2015 Section 31 (1) (c).
- b) Waratah Strata Management did not offer any evidence or orally confirm that there were no self-nominations for the committee.
- c) After Lot 158 question, Mrs. Marianna Paltikian announced that she would not stand for the committee due to illness.
- d) The electronic poll had 10 candidates on the first page and one on the second page.
- e) Lot 158 name was listed as candidate 10 on the first page and candidate 1 on the second page, which created confusion how to vote.
- f) Lot 158 has evidence that Waratah Strata Management knowingly acted against Strata Schemes Management Act 2015 Section 31 (1) (c) at AGM 2017:

- SP52948-Carlos-Montoya-self-nomination-in-non-compliance-with-SSMA-2015-Section-31-1c-19Oct2017
- SP52948-Genelle-Godbee-self-nomination-in-non-compliance-with-SSMA-2015-Section-31-1c-19Oct2017
- SP52948-Jeffery-Wang-self-nomination-in-non-compliance-with-SSMA-2015-Section-31-1c-19Oct2017
- SP52948-John-Gore-self-nomination-in-non-compliance-with-SSMA-2015-Section-31-1c-19Oct2017
- SP52948-Marianna-Paltikian-self-nomination-in-non-compliance-with-SSMA-2015-Section-31-1c-19Oct2017
- SP52948-Maureen-McDonald-self-nomination-in-non-compliance-with-SSMA-2015-Section-31-1c-19Oct2017
- SP52948-Moses-Levitt-self-nomination-in-non-compliance-with-SSMA-2015-Section-31-1c-22Oct2017
- SP52948-self-nominations-in-non-compliance-with-SSMA-2015-Section-31-1c-Oct2017
- SP52948-Stan-Pogorelsky-self-nomination-in-non-compliance-with-SSMA-2015-Section-31-1c-22Oct2017
- SP52948-Thomas-Karolewski-self-nomination-in-non-compliance-with-SSMA-2015-Section-31-1c-16Oct2017



Explanatory notes:

Motion is designed to raise awareness of legal requirements to submit candidacy for the committee.

**Motion: Confirm FY 2023 Chairperson Mr. John Gore advance plan to leave SP52948 without disclosure at AGM 2023 whilst voting for other owners to have increased levies by 7.91% in FY 2024 on 26 October 2023**

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

- a) FY 2023 Chairperson Mr. John Gore was instrumental in increasing levies by 7.91% for FY 2024.

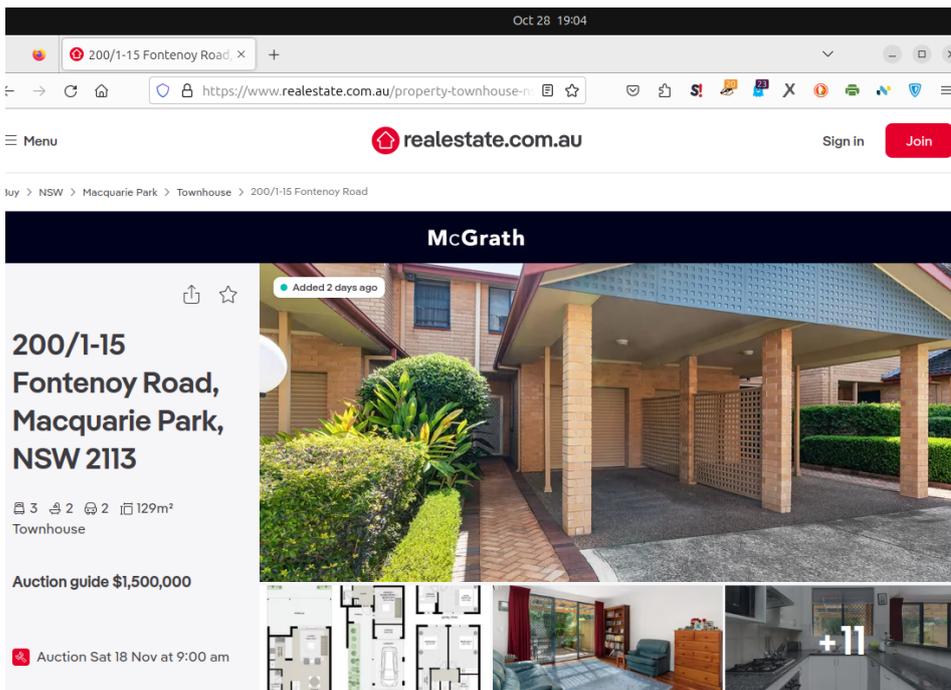
b) At AGM 2023, he confirmed his candidacy for the committee membership, without disclosing that he had already put his townhouse for sale, directly making committee election invalid due to non-disclosure of material facts.

c) Day after the AGM, in the evening on 27 October 2023 a sign was placed near entrance to the complex with open-day for showing his townhouse number 200:



d) Listing on realestate.com.au website is the date of the AGM 2023 – 26 October 2023:

<https://www.realestate.com.au/property/unit-200-1-15-fontenoy-rd-macquarie-park-nsw-2113/>



Oct 28 19:04

200/1-15 Fontenoy Road

https://www.realestate.com.au/property-townhouse-n

Menu realestate.com.au Sign in Join

NSW > Macquarie Park > Townhouse > 200/1-15 Fontenoy Road

McGrath

Added 2 days ago

200/1-15  
Fontenoy Road,  
Macquarie Park,  
NSW 2113

3 2 2 129m<sup>2</sup>  
Townhouse

Auction guide \$1,500,000

Auction Sat 18 Nov at 9:00 am

e) Listing on domain.com.au confirmed the date of 26 October 2023 but also displayed information that it was added to Domain two days earlier (24 October 2023):

<https://www.domain.com.au/200-1-15-fontenoy-road-macquarie-park-nsw-2113-2018860573>

www.domain.com.au/200-1-15-fontenoy-road-macquarie-park-nsw-2113-2018860573



Photos 13 Floorplan 1 Video Virtual Tour

### Auction guide \$1,500,000

200/1-15 Fontenoy Road Macquarie Park NSW 2113

3 2 2 129m<sup>2</sup> Townhouse

Can I afford this property?

Calculate home loan repayments

Fixed rate ending soon?

### Property Features

Air conditioning	Built in wardrobes	Tennis Court
Swimming Pool	Spa	Swimming Pool - In Grou...

### Property Description

Full brick townhouse in exclusive estate

Embrace easycare living in this immaculate tri level townhouse, located in a secure estate with all amenities at your fingertips. Conveniently placed, with city buses at the doorstep, it is close to Macquarie Park station and Macquarie Centre.

Read more

Add notes

#### DOMAIN SAYS

First listed on 26 October, this house has been on Domain for 2 days. It was last sold in 2011 and 7 other 3 bedroom house in Macquarie Park have recently been sold.

f) In 2020, committee member Mr. Moses Levitt resigned on 11 November 2020, just three weeks after AGM on 22 October 2022, without disclosure to NCAT in case SC 20/33352 where he was listed for removal from the committee due to unsatisfactory performance.

g) In 2016, three committee members resigned within short period of time when numerous problems with management of the complex became apparent:

Mr. Rafael Hirschhorn (Lot 133) at committee meeting on 21 March 2016

Mr. Bruce Copland (Lot 202, long-term Chairperson) on 20 April 2016

Mr. John Ward (Lot 49, long-term Treasurer)

Explanatory notes:

Motion is designed to raise awareness of Mr. John Gore voting for increased levies by 7.91% in FY 2024 that will not apply to himself.

**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) 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) within 30 days of this Motion been approved, 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

b) 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.

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 Transaction date  
 02/07/22

---

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

---

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

**Receipt number N292724452061** [Print receipt](#)

---

From account Transaction date  
 27/09/22

---

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

---

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

**Receipt number N210334711532** [Print receipt](#)

---

From account Transaction date  
 03/01/23

---

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

---

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

**Receipt number N240335234636** [Print receipt](#)

---

From account Transaction date  
 03/04/23

---

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

---

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

**Receipt number N270335152334** [Print receipt](#)

---

From account Transaction date  
 04/07/23

---

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

---

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: Confirm that 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 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.

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:

[SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2017.pdf](#)

[SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2018.pdf](#)

[SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2019.pdf](#)

[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](#)

[SP52948-Submitted-Motions-by-Lot-158-for-Annual-General-Meeting-7Oct2022.pdf](#)

[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](#)

[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: Confirm owners prevented to have access to NCAT SC 20/33352 documents and Statutory Declaration by Lot 158**

The Owners Corporation SP52948 by ORDINARY RESOLUTION 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.

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 MtOJ1fiRSUIkMk00-%

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:

[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: Confirm Waratah Strata Management and Uniqueco Property Services failure to conduct Work Health & Safety/Hazardous Materials Survey since 2017 in spite of knowledge that common property is used for business**

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

a) Strata schemes are normally not covered under the work health and safety legislation unless:

- they do not engage any workers as employees
- the common areas the body corporate is responsible for are used only for residential purposes.

b) SP52948 is continuously using common property for short-term leases (hotel-like services), in non-compliance with Residential Tenancy Act 1987, as per Lot 158 emails to Waratah Strata Management on 26 March 2020 and 19 April 2021:

[SP52948-warnings-ignored-by-Waratah-Strata-Management-about-compliance-issues-with-Residential-Tenancy-Act-1987-26Mar2020.html](#)

[SP52948-Waratah-Strata-Management-ignored-evidence-of-long-term-problems-with-ventilation-smoke-alarms-and-non-compliance-with-Residential-Tenancy-Act-2010-19Apr2021.html](#)

c) Waratah Strata Management ignored evidence of customer's complaint about short-term rental of lot 93 on 31 March 2018:

<https://planetofhotels.com/en/australia/rydalmere/north-ryde-self-contained-two-bedroom-apartment-93font>

They stated, with special emphasis on faulty smoke detectors:

4.6 Poor

Merle

As above, a very very...

- + The location was very convenient.
- When we arrived the apartment was dirty, with urine splashes on the floor in bathroom etc. The smoke detector didnt work, There were no teaspoons, no toaster and egg stuck to the cupboard doors. We ...

d) Verification of SP52948 Development Approval Conditions and Building and Development Advisory Service at Ryde Council confirmed that this applies to SP52948 ("Development Consent 288 of 1994.pdf" and "Development consent A288 of 1994.pdf"):

Short-term tenants are allowed only if owner stays and lives in property and shares it with visitors. In that case they still have to get Ryde Council approval.

The other valid options for a property to be occupied in our complex are:

1. Owner occupied, or
2. Subject to a lease under Residential Tenancy Act 1987.

Services like AirBnB, StayZ, and similar are not allowed in strata complexes like SP52948 unless Special Resolution is approved.

e) SP52948 owners and tenants are continuously using tennis courts and swimming pool for lessons, making it important to ensure safety of all parties.

f) SP52948 owners and tenants continuously use common property for running businesses, including parcel deliveries.

g) Some SP52948 properties are owned by businesses, as listed in Strata Roll.

h) Waratah Strata Management applied this regulation in other complexes like SP75860 at 24-26 Post Office Street, Carlingford. Extract from agenda for their AGM on 25 August 2022:

**17 WORK HEALTH & SAFETY / HAZARDOUS MATERIALS SURVEY**

That the Owners Corporation instruct the managing agent to arrange for a qualified contractor to carry out a Work Health & Safety Survey and/or a Hazardous Materials Survey of the common property.

**18 PROGRAMMED MAINTENANCE**

That the strata manager be instructed to appoint suitable contractors to attend to the following maintenance works on a regular basis:

- (a) Roof & Gutter Cleaning every \_\_\_\_ months.
- (b) Drainage &/or Sewer Pipe Cleaning every \_\_\_\_ months.
- (c) Common Area Garage Door Service every \_\_\_\_ months.
- (d) Communal Hotwater System every \_\_\_\_ months.
- (e) Pumps & Stormwater Detention Systems every \_\_\_\_ months.
- (f) Other every \_\_\_\_ months.

Explanatory notes:

Motion is designed to raise awareness of safety and insurance risks related to using common property for business.

**Motion: Confirm Waratah Strata Management and Uniqueco Property Services failure to comply with mandatory Code of Conduct for the Short-term Rental Accommodation Industry (Code)**

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

a) Under the NSW Environmental Planning and Assessment Regulation 2000 and the Building and Development Certifiers Act 2018, all commercial property owners also have a legal responsibility to ensure the safety of residents, tenants, staff and visitors.

b) Strata owner or managers must maintain essential fire prevention measures as outlined in the legislation and in accordance with Australian Standards AS1851-2021 and local council requirements. They are also obligated to meet all compliance requirements, including Annual Fire Safety Statements.

c) Evacuation diagrams do not exist on common property.

d) In non-compliance with strata plan registrations, number of SP52948 lots are used for non-hosted short-term rental accommodation (short-term rental accommodation provided where the host does not reside on the premises during the provision of the accommodation) and they also have special requirements in regard to fire safety, which has never been checked or applied in SP52948.

e) The mandatory Code of Conduct for the Short-term Rental Accommodation Industry (Code) started on 18 December 2020. It is administered by the Commissioner for Fair Trading in the NSW Department of Customer Service. The Code sets out the legal responsibilities and creates new minimum standards of behaviour and requirements for all industry participants, including:

booking platforms  
hosts  
guests  
letting agents and facilitators.

f) The Code also establishes the STRA Exclusion Register which commenced in August 2022. The Exclusion Register is a list of guests and hosts who have been excluded from participating in the short-term rental accommodation industry.

Such Register has not been found for SP52948.

Explanatory notes:

Motion is designed to raise awareness of compliance, safety, and insurance risks related to using short-term rental.

**Motion: Confirm Waratah Strata Management failures to justify tender for elevator upgrades and maintenance, contract with Liftronic, and expenses for elevator maintenance in FY 2021, 2022, and 2023**

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

a) Waratah Strata Management failed to refute any evidence by Lot 158 in regards to elevator upgrades and contract renewal with Liftronics and actively prevented owners from having submission to NCAT in case SC 20/33352:

[NCAT-case-20-33352-SP52948-brief-log-of-events-related-to-elevator-maintenance-and-replacement-contract-in-three-periods-2005-2017-and-2018.pdf](#)

- Liftronic lost contract with SP52948 due to high cost of in amount of \$31,228.00 per year in 2010
- Waratah Strata Management sent letter on 23 March to ThyssenKrupp with contract termination on 30 June 2017
- Waratah Strata Management sent request for remediation work to ThyssenKrupp on 19 April 2017
- Minutes of EC meeting on 16 March 2017 confirming elevator contract was expiring on 30 June 2017
- Minutes of EC meeting on 20 April 2017 asking Thomson Elevator Consultancy Services to conduct tender and oversee remediation work by ThyssenKrupp before their contract ended
- Alleged notice of EC meeting dated 26 June 2017 never sent to owners or listed on notice boards
- SP52948 Executive Committee meeting on 30 June 2017, approving Liftronic contract in amount of \$24,400.00 plus GST without having the contract details, on Friday (non-standard day for SP52948 meetings) and at time when no owner could attend (11:00 hours in the morning)
- Liftronic maintenance tags in elevators put on 4 July 2017
- Email reply from Waratah Strata Management to Thomson Elevator Consultancy Services on 10 July 2017 confirming that they were not able to open the Liftronic contract sent to Thomson Elevator Consultancy Services on 30 July 2017

which Tomson Elevator Consultancy Services only forwarded to Waratah Strata Management on 10 July 2017

- Written notice by Mr. Robert Crosbie from Waratah Strata Management for Executive Committee meeting scheduled for 20 July 2017, with intention not to do any work to recover unpaid levies for second gas connection, pre-approved Waratah Strata Management to sign the Liftronic contract and to be sent the original to one EC member who was not financial due to unpaid full levies for second gas connection (Mr. Moses Levitt), confirmation that ThyssenKrupp was paid for period 1 July 2017 to 30 September 2017 in spite of contract ended on 30 June 2017
- Agenda of Executive Committee meeting sent to owners on 13 July 2017, with intention to discuss elevator maintenance contract at Executive Committee meeting scheduled for 20 July 2017
- Minutes of the Executive Committee meeting on 20 July 2017
- Waratah Strata Management overpaid ThyssenKrupp in spite of advanced knowledge of canceled contract five and a half months earlier on 13 September 2017
- Waratah Strata Management discovered Liftronic contract was not signed as of 15 September 2017 and asked for revised contract which they signed without owners corporation approval at any meeting

b) Notice for AGM 2021 included the following expenses for elevator contract and maintenance in Detailed Expenses for the financial year from 01/09/2020 to 31/08/2021:

Maint Bldg--Lift 170200								
26/10/2020	Reset RCD/Repair Circuitboard/LED Lights	Liftronic Pty Ltd	448.00	Paid	DE	221252	000960	
01/12/2020	1/1/21 - 31/12/21	Lift Connect	3,600.00	Paid	DE	INV-17997	000986	
18/01/2021	1/1/21 - 31/3/21	Liftronic Pty Ltd	5,100.00	Paid	DE	223339	001025	
02/03/2021	Lift Registration - 2021	SafeWork NSW	79.00	Paid	Chq		000014	
19/04/2021	1/4/21 - 30/6/21	Liftronic Pty Ltd	5,100.00	Paid	DE	226753	001110	
23/07/2021	1/7/21 - 30/9/21	Liftronic Pty Ltd	5,156.10	Paid	DE	231042	001177	
			<b>5,156.10</b>					

c) Notice for AGM 2022 did not include Detailed Expenses for the financial year from 01/09/2021 to 31/08/2022 but was made available on Waratah Strata Management website on 7 October 2022 in form of two files named "CORRESPONDENCE":

The screenshot shows the Waratah Strata Management website interface. At the top, there is a navigation bar with 'CORRESPONDENCE' selected. Below the navigation bar, the website logo 'WARATAH Strata Management' is displayed. A search bar is present with the text 'Strata Plan 52948'. Below the search bar, a table lists various documents. Two 'CORRESPONDENCE' files are highlighted in blue, indicating they are the files mentioned in the text.

Document Type	Creditor	Description	Date
MINUTE BOOK			06/02/2023
CORRESPONDENCE			25/01/2023
Levy Notice		February 2023	14/12/2022
Audited / Annual Accounts			07/12/2022
By Laws			18/11/2022
MINUTE BOOK			01/11/2022
MINUTE BOOK			10/10/2022
Insurance Policy			07/10/2022
CORRESPONDENCE			07/10/2022
CORRESPONDENCE			07/10/2022

Two "CORRESPONDENCE" files were:

**Detailed Expenses  
for the financial year  
from 01/09/2021 to 31/08/2022**

Strata Plan 52948

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

Date	Details	Payee	Group	Amount (GST exclusive)	Status	Type	Ref.No.	Payment No.
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**Administrative Fund**

**Delegated Functions Report  
for the period from 01/09/2021 to 31/08/2022**

Strata Plan 52948

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

Elevator expenses grew from \$19,483.10 (GST excl) in FY 2021 to \$24,567.36 (GST excl) in FY 2022 (26.09% increase in one year):

**Maint Bldg--Lift 170200**

15/10/2021	1/10/21 - 31/12/21	Liftronic Pty Ltd		5,156.10	Paid	DE	232939	001242
02/12/2021	1/1/12 - 31/12/22	Lift Connect		3,600.00	Paid	DE	INV-18447	001288
18/01/2022	1/1/22 - 31/3/22	Liftronic Pty Ltd		5,156.10	Paid	DE	235629	001312
12/04/2022	1/4/22 - 30/6/22	Liftronic Pty Ltd		5,156.10	Paid	DE	238919	001382
21/06/2022	2022	SafeWork NSW		80.00	Paid	Chq		000016
29/07/2022	1/7/22 - 30/9/22	Liftronic Pty Ltd		5,419.06	Paid	DE	243981	001449
				<b>\$24,567.36</b>				

d) Notice for AGM 2023 included the following expenses for elevator contract and maintenance in Detailed Expenses for the financial year from 01/09/2022 to 31/08/2023:

**Maint Bldg--Lift 170200**

17/10/2022	1/10/22 - 31/12/22	Liftronic Pty Ltd		5,419.06	Paid	DE	247036	
29/11/2022	1/1/23 - 31/12/23	Lift Connect		3,600.00	Paid	DE	INV-19026	
17/01/2023	1/1/23 - 31/3/23	Liftronic Pty Ltd		5,419.06	Paid	DE	250559	

05/10/2023 13:10 Heath Crosbie Waratah Strata Management Pty Ltd

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Strata Plan 52948

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

Date	Details	Payee	Group	Amount (GST exclusive)	Status	Type	Ref.No.
------	---------	-------	-------	---------------------------	--------	------	---------

**Administrative Fund**

12/04/2023	1/4/23 - 30/6/23	Liftronic Pty Ltd		5,419.06	Paid	DE	254144
04/07/2023	1/7/23 - 30/9/23	Liftronic Pty Ltd		5,419.06	Paid	DE	257514
31/07/2023	Quarterly Increase - 01/07/2023 to 30/09/2023	Liftronic Pty Ltd		379.33	Paid	DE	258864
				<b>\$25,655.57</b>			

Elevator expenses grew from \$19,483.10 (GST excl) in FY 2021 to \$25,655.57 (GST excl) in FY 2023 (31.68% increase in two years).

Explanatory notes:

Motion is designed to raise awareness of risks with poorly managed contract for elevator maintenance and upgrades.

**Motion: Confirm Waratah Strata Management and Uniquenco Property Services discrimination against Lot 158 and issue**

## **order to maintain common property in Lot 158 and other areas that affect their safety and health**

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following events and resolves to make orders for Lot 158 repairs:

a) Waratah Strata Management and Uniqueco Property Services shall promptly attend to issues related to Lot 158 common property that affect their well-being and safety in and around Block A, as listed in email sent on 27 October 2023 to Uniqueco Property Services, Waratah Strata Management and eight members of the committee (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) with subject line "REQUEST to BUILDING MANAGER - Overdue repairs and actions for SP52948 Lot 158 common property in Oct2023":

[SP52948-Lot-158-unresolved-common-property-issues-Oct2023.pdf](#)

b) The duty of the owners corporation to maintain and repair common property has been confirmed in the Supreme Court and NCAT cases where they stated that the duty to repair common property:

- is compulsory
- is absolute; and
- is not a duty to use reasonable care to maintain and repair common property or to take reasonable steps to do so but a strict duty to maintain and keep in repair.

c) Owners corporation cannot delay any repairs that need to be carried out to fix defects in the common property that are causing water to leak into a lot. There is no lawful excuse for delaying any necessary repairs to common property unless SP52948 passes a special resolution at a general meeting to determine that it is inappropriate to repair a particular item of common property under SSMA 2015 Section 106 (3) but only if the decision does not affect the safety of the building or detract from the building's appearance.

d) 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) prevented owners from having Lot 158 common property problems before and at AGM on 26 October 2023.

e) In Lot 158 submission to Supreme Court and Solicitor Adrian Mueller on 27 February 2022, four problems were highlighted:

[SP52948-Lot-158-cost-submission-reply-ignored-by-Solicitor-Adrian-Mueller-in-Supreme-Court-27Feb2022.pdf](#)

- Fire safety checks for external door and two smoke alarms for 2022.
- Water leak damages near lighting on ceiling in sun-room (unresolved since September 2020),
- All intercom access points were scheduled to be tested in Block A on 10 February 2022. Lot 158 complained about their device not working occasionally several times and no repair or checks were done. On 10 February 2022, Lot 158 was not visited by H&T Security.
- Poor intake of fresh air in laundry and one bathroom since 2019.

Without owners corporation approval, Waratah Strata Management instructed Solicitor Adrian Mueller to ignore Lot 158

submissions to Supreme Court on 1 March 2022, where Solicitor Adrian Mueller charged SP52948 \$55.00 for reading that email.

01 Mar 22	Perusing email from strata manager providing instructions not to prepare response to objections to bills of costs and to apply for costs assessment	\$55.00	\$5.50
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f) Since late 2020, water leak is evident in Lot 158 on ceiling near lighting, creating fire risks and risks to the property of Lot 158:



Repetitive requests to maintain sunrooms in the complex and ensure they are watertight were ignored:

[SP52948-Waratah-Strata-Management-ignored-Lot-158-evidence-sunroom-waterproofing-is-mandatory-8Aug2020](#)

g) 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 on date of AGM 2023 on 26 October 2023, along with 12 other issues:

Date	Status	Job Summary	No
14/03/2023	Sent	Abloty Keys	14381
28/05/2021	Sent	Replace FIP batteries	9988
03/12/2020	Sent	Lot 158 Sunroom Leak	8888
01/12/2020	Sent	Inspect A & B Block sun room window frames	8869
01/12/2020	Sent	Inspect C & D Block sun room window frames.	8870
09/07/2020	Sent	Smoke detectorfor Unit 148 - Eagle Fire	7939
25/06/2020	Sent	Quote accepted for fire services - Flame Safe	7834
04/08/2017	Sent	Replace conduit brackets	4026
05/06/2017	Sent	Repair planter boxes	3758
12/05/2017	Sent	This 194-198 - Replace damaged gutters	3672

[SP52948-Motions-by-Lot-158-AGM-2022.pdf](#)

h) Waratah Strata Management and Uniqueco Property Services discriminate against Lot 158 and some other owners (Lot 152 is another owner with continuous complaints about sunroom) - in FY 2023, \$1,700.00 (GST excl) was spent on resolving sunroom leak in Lot 38, but Lot 158 was ignored since late 2020:

**Maint Bldg--Doors, Locks & Windows 264600**

02/09/2022 U38 Sunroom Leak Man & His Tools 1,700.00 Paid DE 62 001472

i) Intercom in Lot 158 is faulty and seldom operates properly.

All intercom access points were scheduled to be tested in Block A on 10 February 2022. Lot 158 complained about their device not working several times and no repair or checks were done. On 10 February 2022, Lot 158 was not visited by H&T Security:



Discriminatory attitude towards Lot 158 for intercom: repairs in other units in amount of \$6,869.23 (GST excl) in FY 2023 but not Lot 158. Lot 167 even had two repairs for the same intercom:

**Maint Bldg--Intercom 169600**

17/10/2022	U's 26 & 40 Intercom	FMT Services	380.00	Paid	DE	141022B	001493
17/10/2022	U's 93 & 146 Intercom	FMT Services	580.00	Paid	DE	190922C	001504
17/10/2022	U's 16,145 & 150 Intercom	FMT Services	640.00	Paid	DE	280922C	001504
18/10/2022	U's 167 & 168 Intercom	H & T Security	526.82	Paid	DE	00040436	001505
21/10/2022	U's 165 & 167 Intercom	H & T Security	492.41	Paid	DE	00040491	001509
14/11/2022	U's 152 & 155 Intercom	FMT Services	630.00	Paid	DE	311022D	001524
14/11/2022	U38 Intercom	FMT Services	380.00	Paid	DE	021122A	001519
15/11/2022	U173 Intercom	FMT Services	380.00	Paid	DE	141122A	001519
12/12/2022	U189 Intercom	FMT Services	380.00	Paid	DE	061222B	001538
09/01/2023	U147 Intercom	FMT Services	380.00	Paid	DE	060123A	001553
06/02/2023	UA181 Intercom	FMT Services	200.00	Paid	DE	010223F	001580
03/04/2023	UA159 Intercom	FMT Services	380.00	Paid	DE	300323A	001615
01/05/2023	U1090 Intercom	FMT Services	380.00	Paid	DE	270423A	001629
08/05/2023	U98 Intercom	FMT Services	380.00	Paid	DE	060523A	001634
22/05/2023	U128 Intercom	FMT Services	380.00	Paid	DE	200523A	001644
27/07/2023	Investigate intercom problem. Unit handset faulty	FMT Services	380.00	Paid	DE	240723A	001704
			<b>\$6,869.23</b>				

j) 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:

[Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-8Jun2023.html](#)

[Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-2-19Jun2023.html](#)

[Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-3-19Jul2023.html](#)

[Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-4-18Aug2023.html](#)

[Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-](#)

[5-12Sep2023.html](#)

[Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-6-13Sep2023.html](#)

k) 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.

[SP52948-used-Unreasonable-Communications-Special-By-Law-against-Lot-158-seven-times-without-disclosure-to-NCAT-SC-20-33352.pdf](#)

**Motion: FY 2023 Chairperson Mr. John Gore mislead owners in agenda for AGM 2023 without disclosure of facts**

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

a) In Motion 2 for AGM 2023 agenda, owners were asked to discuss Chairman's report:

#### **MACQUARIE GARDENS CHAIRPERSON'S REPORT TO AGM OCTOBER 2023**

Firstly, I want to thank the members of the strata committee for their time and input into the work of the committee, Waratah Strata for their management of the strata and the staff of UNIQUECO for the services they have provided and the work that has been done to maintain the high standards of presentation.

The key matters are:

##### **Strata levies**

Last year, levies were increased by 5% and some felt that this might be too low given the then annual level of inflation (7.5%). This matter has caught up with us and we recommend to the AGM an increase of 8% for 2023-4 so that we can maintain all existing services, cope with some huge cost increases (e.g.. insurances) and provide substantial funds to fulfill obligations from the fire audit.

##### **Property manager's contract**

Overwhelming endorsement by owners and residents of the services provided by UNIQUECO under the leadership of Steve Carbone encouraged to strata committee to renew a three-year contract with new figures to reflect the inflation of the last three years 18% and the anticipated inflation for the next three years. The AGM is requested to approve this proposal.

##### **Fire audit**

Over the last three years, the committee has been trying to address a fire audit report and Fire Safety Order from Ryde Council. With far reaching implications, including cost, two fire engineers have been engaged to review the original audit and now finally a proposal has been sent to council about how these matters will be addressed. The Council response will result in a scope of works and job orders and then finally work will commence. The extent of these works will depend on the response from council.

##### **Swimming pool**

The pool has been renovated to cut out the concrete cancer, to laydown a fibreglass shell and retile the edges. In addition, the surrounding tiles including the change rooms have been coated with a non-stick material to improve safety.

##### **Contact**

Both owners and residents are encouraged to contact relevant personnel if any issues arise. Most issues will go through Steve Carbone in the first instance or may involve Waratah Strata directly. Members of the strata committee are available for advice, to discuss new proposals and clarify issues. The House Rules remain relevant and when adhered to provide for a peaceful and harmonious living place for all of us to enjoy.

John Gore

Chairperson

b) FY 2023 Chairperson mislead the owners by stating that inflation rate in 2022 was 7.5%. Official inflation rate for 2022 for Australia was 6.59%.

c) At AGM 2023, FY 2023 Chairperson could not explain figure of 18% inflation rates for the last three years.

Figure for official inflation rates of 18% for three years prior to 2023 were grossly inflated and designed to coerce owners (ABS released figure of 5.4% for 2023 on 25 October 2023):

### **Historical inflation rates in comparison**

Year	Australia	Ø EU	Ø USA	Ø World
2022	6.59 %	8.83 %	8.00 %	8.27 %
2021	2.86 %	2.55 %	4.70 %	3.48 %
2020	0.85 %	0.48 %	1.23 %	1.93 %

[Australian historical inflation rates at WorldData](#)



Schemes Management Regulations 2016 that requires 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 five times in last seven general meetings:

[Waratah-Strata-Management-non-compliance-of-SP52948-Auditor-reports.html](#)

k) FY 2023 Chairperson withheld information that Waratah Strata Management is being investigated by NSW Fair Trading in case 11138875, which is just part of the larger submission of mismanagement by the strata manager:

Thank you for your correspondence regarding management of SP52948 by Waratah Strata Management Pty Ltd (the Agency).

Fair Trading regulates the property sector in New South Wales and can take action against traders who have engaged in illegal conduct. All information we receive is assessed against our various consumer protection laws.

NSW Fair Trading cannot assess issues which are more than 3 years old or where matters are subject to an order or determination by the Tribunal or court of competent jurisdiction.

Based on the information provided, Fair Trading identified that the Agency failed to provide a copy of audit reports to the owners corporation as required under Schedule 1, Clause 9 of the Strata Schemes Management Act 2015 (Act). Fair Trading has taken appropriate compliance action in accordance with our policies and procedures.

If the owners corporation is dissatisfied with the performance of the strata managing agent, the owners corporation may consider convening a general meeting to terminate the management agreement. If considering this option, the owners corporation should carefully review the agreement for termination conditions.

A lot owner has the option to follow the dispute resolution process applicable to strata schemes by submitting a motion/s to be included on the agenda of the next general meeting.

Explanatory notes:

Motion is designed to raise awareness of continuous problems with SP52948 Chairman's reports.

**Motion: FY 2023 Chairperson failed to disclose Lot 158 concerns about Uniqueco Property Services contract renewal before and at AGM 2023**

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

a) There was no Motion to approve building management contract renewal in agenda for AGM 2023, and that at least two quotes were compulsory for every expenditure above \$30,000.00.

b) Waratah Strata Management and committee members received Lot 158 reminder about tender requirement for building management contract on 18 August 2023.

Agenda for AGM 2023 did not comply with SSMA 2015 requirements for Motions, as documented by Lot 158 in 2020:

[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.

Waratah Strata Management did not reply.

c) FY 2023 Chairperson prevented owners from having information that the contract with Uniqueco Property Services would expire on 31 January 2024, three months after the general meeting on 26 October 2023, so there was plenty of time to organize proper competitive tender:

GST is excluded from the prices shown below.

From 1 February 2021 to 31 January 2024 [Three (3) years]

	Annual Price	Monthly Price
Day Caretaking	\$142,250.00	\$11,854.17
Pool Maintenance	\$ 12,944.00	\$ 1,078.67
Gardening	\$ 61,153.00	\$ 5,096.08
Night Caretaking	<u>\$123,394.00</u>	<u>\$ 10,282.83</u>
Total	<u>\$339,741.00</u>	<u>\$ 28,311.75</u>

### Schedule 3 Hours of Coverage

- 1 The Contractor will provide Caretaking Services to the Premises between the hours of 4.00am to 7.00pm Mondays to Fridays and 9.00am to 3.00pm Saturdays and Sundays and will provide after-hours service at all times to respond to emergencies onsite within one [1] hour of notification.
- 2 The Contractor will provide a Caretaker to the Premises on Public Holidays for a 6 hour shift from 5.00am to 11.00am.
- 3 The Contractor will provide cleaning services to the Premises seven [7] days each week, which will include a minimum six [6] hours per day for Saturdays and Sundays and any Public Holidays.
- 4 The Contractor will provide a minimum of one security person on site from 7.00pm to 4.00am Mondays to Fridays, 6.30pm to 4.00am Saturdays and Sundays and 6.00pm to 4.00am Public Holidays.
- 5 Gardening and Pool hours of coverage are to be sufficient to provide all the services listed at the frequency specified to standards determined by the Quality Assurance Standard document

d) 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.

An example of plea by Lot 158 female owner to Waratah Strata Management on 18 February 2018. Mr. Robert Crosbie never replied or took appropriate action:

**Sent:** Sunday, February 18, 2018 10:21 PM  
**To:** [robert@waratahstrata.com.au](mailto:robert@waratahstrata.com.au)  
**Subject:** EC Meeting 7th of February [Clarification + Action Sought]

To Waratah Strata Management Team,

I am writing this letter as a plea from one human being to another, and only ask that you and your contractors manage to perform the maintenance work with quality and with respect to all of the residents.

My husband and I are owners of Lot 158 in Strata Plan 52948.

My husband has tried on numerous occasions in the past few years to inform the staff on the state of the gardens, walls and public property in relation to their disrepair.

In these attempts I have felt harassed and intimidated in the complex I live in by staff (four in particular) of the Uniqueco group.

This has become such a heightened situation that I am required (upon advice from the police) to record my movements when I am alone in the complex and feel insecure. The agenda issued on the 7<sup>th</sup> of February incorrectly indicates I video staff while they work, which is not the case.

I ask for the following:

A written confirmation that this behavior from Uniqueco group will cease  
This matter will be clarified and noted at the next EC Meeting

Lot 12 complaint (unredacted for legal reasons) about Mr. Steve Westrip on 18 March 2019:

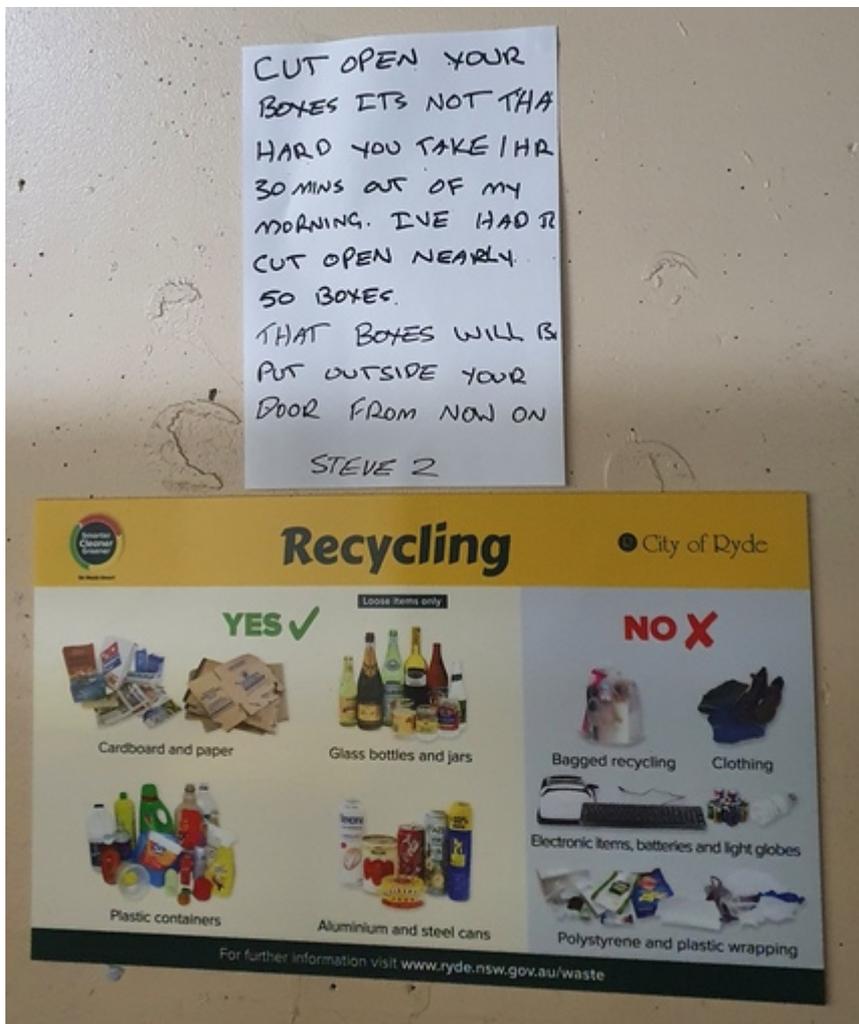
Later, I read the rules that were given to me when I moved in here. Clearly they state that courier items cannot be received by caretakers BUT THERE IS NO MENTION RE LARGER DELIVERIES, and, as I've already stated:

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.

Mr. Steve Westrip's threat to owners and tenants in Block C and D in November 2021:



[SP52948-endangering-life-and-safety-of-owner-to-prevent-their-investigations-about-mismanagement-of-strata-complex.html](#)

[SP52948-secret-email-with-refusal-by-Uniqueco-Property-Services-to-provide-access-to-CCTV-for-security-related-incident-22Oct2020.webp](#)

[SP52948-Example-of-preventing-access-to-CCTV-recording-as-evidence-in-Police-event-dated-11Aug2019.html](#)

[SP52948-INCIDENT-reported-to-Waratah-Strata-Management-rude-unprofessional-and-aggressive-on-29Sep2019.html](#)

[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.

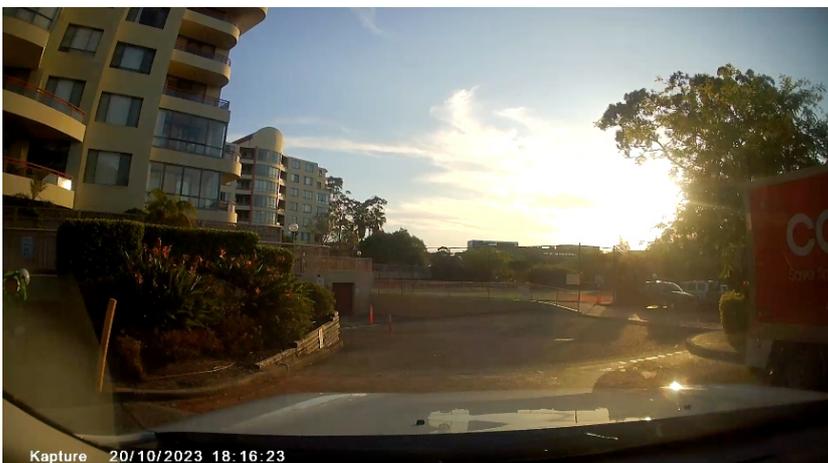
Police event E265804296 on 14 November 2018 - two staff members of Uniqueco Property Services (one of them was Mr. Steve Westrip and the other cleaner Ms. Dorothy) tried to intimidate Lot 158 whilst he was collecting video and photo evidence of poor maintenance of the complex and fire safety non-compliance 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.

e) FY 2023 Chairperson prevented owners from having information that the contract with Uniqueco Property Services decreased working hours compared to their predecessor Universal Strata Services and that most work days, there was nobody on site between hours of 14:00 to 14:30 and 18:30 to 19:00.

On 20 October 2023, Mr. Steve Carbone left office early and dashboard camera has evidence that his car disappeared from designated location before 19:00 hours (camera recording was at 18:16 hours, physical check of their office found it to be empty, and walk through basement and grounds of the complex found no staff by Uniqueco Property Services):



f) FY 2023 Chairperson prevented owners from having information that Uniqueco Property Services stopped doing number of activities that their predecessor undertook as part of standard services:

- Touch-up painting of smaller areas within the complex
- Cleaning exhaust vents in bathrooms and laundries
- Mowing Ryde Council unnamed park Lot 202 DP848752, 440 Lane Cove Road, classified as Public Recreation Space. This started happening in 2019 after Mr. Steve Carbone and Mr. Robert Crosbie Ryde were prevented by Lot 158 to allow selective owners to park illegally (Ryde Council Reference 2158948):

[Strata-Plan-SP52948-repeated-offences-with-undisclosed-use-of-Ryde-Council-land-for-parking.pdf](#)

g) FY 2023 Chairperson prevented owners from having the following examples of Uniqueco Property Services quality of work and actions:

[SP52948-continuous-delays-with-fire-and-OHS-problems](#)

[SP52948-silent-about-failed-maintenance-and-unexplained-costs-of-around-92950.00-for-alleged-major-townhouse-upgrades-3Feb2021](#)

[SP52948-lack-of-building-foyer-spot-light-maintenance](#)

[Strata-Plan-SP52948-repeated-offences-with-undisclosed-use-of-Ryde-Council-land-for-parking](#)

[Building-Manager-ongoing-issues-including-fire-and-health-safety-security-maintenance-25Aug2018](#)

[SP52948-Building-Manager-Steve-Carbone-conducted-incomplete-audit-of-gas-heating-connections-21Mar2016](#)

[SP52948-endangering-life-and-safety-of-owner-to-prevent-their-investigations-about-mismanagement-of-strata-complex](#)

[SP52948-unresolved-common-property-maintenance-issues-in-Lot-158](#)

[SP52948-dangers-to-wildlife-cat-roaming-freely](#)

[SP52948-discrimination-of-dog-owners-and-lack-of-compliance-with-by-laws.html](#)

[SP52948-risks-with-fallen-trees-and-lack-of-their-proactive-maintenance](#)

[SP52948-ongoing-maintenance-problems-mostly-ignored](#)

[SP52948-refusal-to-keep-register-of-items-which-changed-status-to-private-property-without-approvals-at-general-meetings-or-By-Law-registrations](#)

[Examples-of-legal-cases-terminated-contracts-with-strata-and-building-managers-in-Australia](#)

h) Repetitive problems with Uniqueco Property Services staff abusing parking regulations in the complex (parking in private garages or non-parking areas of common property whilst designated parking slot near tennis courts was empty).

[SP52948-report-submitted-to-Waratah-Strata-Management-about-repeated-illegal-parking-by-staff-26Mar2020.html](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-22Feb2022.png](#)

The abuse of private garages by Mr. Steve Carbone became more frequent and aggressive in 2023, in spite of allocated parking spot being empty in front of the building (which owners corporation pays for and provides for exclusive use of staff of the building manager) - these are just some of collected photo and video evidence:

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-23Mar2023.webp](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-8Jun2023.jpg](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-29Aug2023.png](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-5Sep2023.png](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-6Sep2023.png](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-20Sep2023.webp](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-4Oct2023.webp](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-9Oct2023.webp](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-10Oct2023.webp](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-17Oct2023.webp](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-18Oct2023.webp](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-21Oct2023.webp](#)

Even on day of AGM 2023 on 26 October 2023, Mr. Carbone was parked in private garage:

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-26Oct2023.webp](#)

i) FY 2023 Chairperson withheld this information about building management contract paid yearly to service providers:

Financial Year	Building Manager (old name Caretaker)	Total Contract Value	Official annual inflation rate
1999	Strata Sphere	\$186,611.00	1.48%
2000	Universal Strata Services	\$220,168.00	4.46%
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	Uniqueco 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	Uniqueco 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	Uniqueco 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	Uniqueco Property Services	\$306,837.99 (difference to previous year: 5.12%)	1.91%
2019	Uniqueco Property Services	\$293,031.44 (difference to previous year: -4.60%)	1.61%
2020	Uniqueco 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	Uniqueco Property Services	\$339,249.60 (difference to previous year: 2.46%)	2.86%
2022	Uniqueco Property Services	\$339,741.00 (difference to previous year: 0.14%)	6.59%
2023	Uniqueco Property Services	\$343,507.47 (difference to previous year: 1.1%, undisclosed increase of 2.0% since February 2023)	5.4% as published by ABS on 25 October 2023
2024	Uniqueco Property Services	Not applicable yet (undisclosed increase of 10.0% since September 2023)	not applicable yet

j) FY 2023 Chairperson withheld this information about building management contract paid from August 2022 to October 2023:

Date	161300 Maint Bldg--Building Management (monthly salary)	Difference to previous month
31 August 2022	\$28,311.75	\$0.00
30 September 2022	\$28,311.75	\$0.00
31 October 2022	\$28,311.75	\$0.00
30 November 2022	\$28,311.75	\$0.00
31 December 2022	\$28,311.75	\$0.00
31 January 2023	\$28,311.75	\$0.00
28 February 2023	\$28,311.75	\$0.00
31 March 2023	\$29,247.07	\$935.32
30 April 2023	\$28,877.98	-\$369.09 (overpayment for previous month)
31 May 2023	\$28,877.98	\$0.00
30 June 2023	\$28,877.98	\$0.00
31 July 2023	\$28,877.98	\$0.00
31 August 2023	\$28,877.98	\$0.00
30 September 2023	\$31,764.07	\$2,886.09
25 October 2023	\$28,877.98	-\$2,886.09 (salary reported two weeks after regular schedule, after Lot 158 sent warning about AGM 2023 <a href="#">SP52948-AGM-2023-misconducts-and-risks-24Oct2023</a> )

k) FY 2023 Chairperson withheld information that 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:

- (a) Strata Central Pty Ltd
- (b) the OC delegate to the Agent all of the functions of:
  - (i) the Owners Corporation (other than those listed in section 52(2) of the Act); and
  - (ii) 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
- (c) the delegation to the Agent is to be subject to the conditions and limitations in the Agreement; and
- (d) the OC execute the Agreement to give effect to this appointment and delegation; and
- (e) authority be given for the common seal of the OC to be affixed to the Agreement in accordance with section 273 of the Act.
- (f) 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.*

l) Contract with Uniqueco 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).

Contract with Uniqueco 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.

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

m) 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.

n) Waratah Strata Management failed to present bid from Complete Building Management Group at AGM 2017:

[SP52948-bid-for-complex-maintenance-contract-forwarded-to-Waratah-Strata-Management-but-they-did-not-allow-owners-to-consider-it-at-AGM-2017](#)

Due to poor performance by Waratah Strata Management and Uniqueco Property Services, Lot 158 requested the following tenders be presented to owners at AGM 2020 - they were disallowed for competing for strata and building management contracts at AGM 2020 without valid reasons. Three very competitive quotes for building management contract:

Curtis Strata Cleaning

Forte Asset Services

Clean and Secure Building Management

All three of them offered two options for security services with licensed staff:

Patrols two times a night in around 30 minute duration each time,

Full 10-hour a night onsite security.

Reasons for option with patrols: all fire doors in the basement in the complex now have alarms, new CCTV system installed in the complex.

Very competitive quote from Jim's Mowing franchise for gardening.

Three very competitive quotes for the strata management contract:

Strata Excellence

Strata Title Management

Netstrata

Request for tenders for strata and building management contracts was sent on 30 July 2020 (three months before AGM) - no reply from Waratah Strata Management:

[SP52948-request-for-tenders-for-strata-and-building-management-no-response-by-Waratah-Strata-Management-30Jul2020](#)

[After committee members silently refused to seek tenders \(although one for building management was well above \\$300,000.00 per year\), Lot 158 organised them for building and strata management and submitted on 26 September 2020](#)

[Lot 158 resubmitted tenders for building and strata management again on 30 September 2020 but Waratah Strata Management did not allow Motion for owners to vote at AGM 2020](#)

o) 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. Edey) on 10 January 2001:

[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:

[SP52948-committee-meeting-confirmation-security-staff-licensed-and-holders-of-First-Aid-certificates-14Feb2001.png](#)

p) 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:

[Strata-Plan-SP52948-undisclosed-use-of-Ryde-Council-land-for-parking-May2019.pdf](#)

q) Waratah Strata Management failed to notify owners for AGM 2023 that NCAT can terminate oppressive building management (or strata management) contract, as shown in January 2022, where the Tribunal exercised its power to terminate a building management agreement for the first time, in the case of *The Owners- Strata Plan No. 64807 v Sunaust Properties Pty Ltd [2022] NSWCATD 20*. After concluding that section 72 of the SSMA applied to the Agreement, the Tribunal determined that the Agreement should be terminated under section 72 on the basis that: the BM had failed to perform the Agreement satisfactorily, the charges payable by the owners corporation under the Agreement were unfair, the Agreement was otherwise harsh, oppressive, unconscionable or unreasonable.

The Tribunal identified the following conduct as evidence that the BM had failed to perform the Agreement satisfactorily:

- building manager had failed to perform the Agreement satisfactorily
- the Agreement was otherwise harsh, oppressive, unconscionable or unreasonable
- building manager regularly failed to act on instructions given by the strata managing agent for the OC, including its requests for CCTV footage and access passes, contrary to the Agreement
- building manager charged fee increases and additional fees inconsistent with the terms of the Agreement - further, there was no evidence to support a finding that the Agreement had been varied by, or the additional payments had been approved by, the strata committee
- the circumstances surrounding the attempt by building manager to halt the AGM were knowingly false and improper and were intended to avoid a resolution for an audit being made at the AGM.

Explanatory notes:

Motion is designed to raise awareness of continuous problems with SP52948 lack of competitive tenders for building management contract.

#### **Motion: AGM 2023 did not inform owners about risks of non-compliance with Restricted Matters**

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

a) In Motion 6 for AGM 2023 agenda, owners were asked to decide that in accordance with Schedule 1 clause 6 (a) and 9 (i) of the Strata Schemes Management Act 2015 if any matters or type of matters that are to be determined only by the Owners Corporation in general meeting.

b) Waratah Strata Management failed to inform owners that NCAT case SC 20/33352, where six committee members and Waratah Strata Management coerced Tribunal not to consider Lot 158 evidence, the following was proposed by Lot 158:

Orders prohibiting strata committee to make or approve the following decisions without general meetings (where only financial owners are allowed to vote and full details of quorums made available before the general meetings and in minutes of those meetings): contracts and tenders for strata management, contracts and tenders for building management, contract and tenders for electricity supply and other utility services, contract and tenders for elevator maintenance and upgrades, all other major maintenance works and upgrades as per SSMA 2015 Section 102 and SSMR 2016 Regulation 25, 10-Year Capital Works plans, all types of levies (including gas heating levies), any expense above \$30,000.00, any decision to engage legal services that does not meet requirements of SSMA 2015 Section 103 and SSMR 2016 Regulation 26, any decision related to exclusive use of common property, any decision related to strata subdivision, borrowing money on behalf of owners corporation, payments to a member of the committee (honorarium), acquisition of property, all major renovations including all other renovations that impact the waterproofing, agreeing to a license or lease over common property, and insurance tenders.

[SP52948-statutory-declaration-for-NCAT-case-20-33352-which-Waratah-Strata-Management-refused-to-provide-to-owners-Aug2020](#)

[NCAT-case-20-33352-SP52948-brief-log-of-events-related-to-contracts-for-strata-and-building-managers-in-period-1999-to-Oct2020](#)

[NCAT-case-20-33352-SP52948-brief-log-of-events-related-to-electricity-supply-contract-in-2011-2015-and-2018](#)

[NCAT-case-20-33352-SP52948-brief-log-of-events-related-to-BigAir-illegal-ISP-operation-for-four-years-huge-losses-to-owners-corporation-final-eviction-and-deed-of-settlement-without-owners-corporation-approval-Jun2018](#)

[NCAT-case-20-33352-SP52948-brief-log-of-events-related-to-elevator-maintenance-and-replacement-contract-in-three-periods-2005-2017-and-2018](#)

Explanatory notes:

Motion is designed to raise awareness of continuous problems with SP52948 Restricted Matters.

**Motion: AGM 2023 stated there were no more than 50% of tenanted properties**

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following events and legal requirements:

a) In Motion 7 for AGM 2023 agenda, owners were asked to consider tenant representative.

b) If at least 50% of the lots are tenanted then the scheme must convene a meeting of eligible tenants for nominating a tenant representative on the strata committee.

The meeting should occur at least 14 days before AGM for a meeting not earlier than 7 days after the notice.

The notice for this meeting can be either displayed on the noticeboard or given to every tenant.

The convenor or eligible tenant is to chair.

The quorum is 1.

The tenant representative is determined by the majority vote of those present at the meeting.

Tenant representative cannot: put a motion to the committee, nominate an officer, be an officer, be included in the quorum count, or vote.

c) Waratah Strata Management continuously disallowed Lot 158 to have access to Strata Roll, in spite of knowledge of case Walker v The Owners – Strata Plan No 1992 [2020] NSWCATAP 192 decision: NCAT's Appeal Panel confirmed there was no privacy in the strata records, meaning the owners corporation manager must allow a person can inspect strata records that may otherwise be considered private or the personal information of another person:

From: Robert Crosbie  
Sent: 20-May-19 11:30:28 AM  
To: 'sc@finance.nsw.gov.au', 'tk\_sydney@...', 'marianna.avo@...', 'everolth@...', 'jgore5@...', 'genellegodbee@...', 'zellev@...', 'mcdonald151@...', 'pogo@...', 'jefferyadc@...'  
Subject: RE: NSW Fair Trading - Reference Number 9761719  
Attachments:

Lynn,

A copy of your letter has been forwarded to the strata committee.

Some of the SC members have expressed concern about the information provided to you being provided to [redacted], specifically the Strata Roll, including the owners contact details. [redacted] has for many years emailed many of the owners that he has been able to obtain email addresses for. Many of those owners and many of the rest of the owners do not wish to be contact by [redacted] as he also sends them 50-100 page emails on a regular basis. The SC understand that [redacted] is entitled to obtain a copy of the Strata Roll when he conducts a strata inspection, but he is not entitled to a copy of the owners contact details such as phone and email addresses and they would not want that information passed on to him as a result of the complaint he has lodged. Please confirm that none of the documents provided will be passed on to [redacted].

The SC also ask to be advised of the nature of the complaint/s that have been lodged against Waratah Strata Management.

d) Eligible tenants must, at least 7 days before any Annual General Meeting or Extraordinary General Meeting (EGM), be given a copy of the agenda. If there is a noticeboard for the scheme required by the by-laws then the agenda need only be displayed on the noticeboard. Photo evidence was taken on the day of EGM on 27 April 2023, showing that none of six notice boards had any information about the Extraordinary General Meeting at any time before the event. Minutes of this EGM were not published on any of six notice boards within the complex. Photo evidence was collected.

e) There were unverified suggestions by Waratah Strata Management that number of tenants in SP52948 already exceeded 50% in the past but at Agm 2023, Mr. Crosbie stated that it was not applicable.

Explanatory notes:

Motion is designed to raise awareness of requirements for tenant representative.

**Motion: AGM 2023 did not allow any discussion on Budget and Levy Contributions**

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following events and legal requirements:

a) In Motion 8 for AGM 2023 agenda, owners were asked to consider budget and levy contributions.

b) Waratah Strata Management and committee members disallowed owners to consider alternatives to levy increases: introduce full accounting audits and reviews and recover significant amounts back into owners corporation funds without any costs to owners:

The Property Services Compensation Fund (PSCF) in New South Wales provides an avenue for consumers to seek compensation when they suffer financial loss due to the dishonest or fraudulent conduct of licensed property service providers. Licensed property service providers, including strata managers, contribute to the fund through an annual fee based on their licence class and level of business activity. If a strata manager engages in dishonest or fraudulent conduct, the owners corporation or individual lot owners can make a claim for compensation under the PSCF. The PSCF is administrated by NSW Office of Fair Trading. To be eligible for compensation under the PSCF, an owners corporation or owner must have suffered a financial loss as a direct result of the licensed strata manager's 'failure to account'. A 'failure to account' means a 'failure by a licensee to account for money or other valuable property entrusted to the licensee or an associate of the licensee in the course of the carrying on of the licensee's business as a licensee'. Any claim is limited to \$500,000 and must be made within whichever of the following periods ends first: 12 months after the claimant has become aware of the failure to account; or 2 years after the date of the failure to account.

c) Waratah Strata Management and committee members prevented owners from having information about risks of increased levies in the atmosphere when many families were struggling to pay bills across Australia.

Analysis of Federal Court data in 2022 found 10 per cent of all forced bankruptcies across Australia are from strata levy debts. A state breakdown of the problem shows it is much higher in the Australian Capital Territory and New South Wales, and it is a growing problem in some other states:

[ABC News on 30 August 2023](#)

<b>Bankruptcy filings 2022</b>	<b>Strata bankruptcy filings as a percentage of total bankruptcy filings</b>
NSW	18%
ACT	29%
Victoria	4%
Queensland	5%
Western Australia	3%
Northern Territory, South Australia, Tasmania	0%

d) At AGM 2023, no discussion happened in relation to detailed financial plans or expenses.

e) Case for gross negligence and mismanagement by Waratah Strata Management, Uniqueco Property Services, and committee members:

1. \$92,950.00 which was NOT spent on alleged upgrades for townhouses in 2017.
2. Missing common property (timber) behind townhouses.
3. \$47,849.98 which Waratah Strata Management received for insurance commissions since 2018 (their predecessor BCS Strata Management was forced to repay such amounts to owners corporation due to direct conflict of interest).
4. At least \$100,000.00 from Solicitor Adrian Mueller for actions causing significant insurance costs and other risks, whilst acting against best interests of owners and tenants (and even ignoring requests from strata managers and committee members in the past).
5. Unpaid levies and 10% simple interest per year for gas heating (for some owners going back to 1999).
6. Overcharged or repetitive payments for same type of work without warranties.

Explanatory notes:

Motion is designed to raise awareness of continuous risks due to lack of financial planning.

**Motion: Rescind Motion 14 at AGM 2019 and collect overdue gas heating levies to ease levy burden for majority of other owners who do not have outstanding levies**

The Owners Corporation SP52948 by ORDINARY RESOLUTION rescinds Motion 14 made at AGM 2019, collect overdue gas heating levies, and confirm the following:

- a) Rescind Motion 14 at AGM 2019 which allowed owners with overdue levies to vote against paying them without disclosure of full amounts owing to owners corporation.
- b) Order Waratah Strata Management to audit all SP52948 and confirm current status of gas heating connections within 30 days from the date of this Motion being passed and provide register of such connections for all owners in the minutes of next committee meeting.
- c) Order Waratah Strata Management to access amounts owing and issue invoices for overdue gas heating levies, with 10% simple interest per each outstanding year within 60 days from the date of this Motion being passed.
- d) Motion can be rescinded at any general meeting.
- e) As regulated by Fair Trading:
  - Each owner and/or property manager needs to be aware of their owners corporation levy cycle.
  - If money is not received to the trust account at the end of one month after it is due and payable, it bears interest at the rate of 10% (as prescribed by the regulations) from the due date until it is paid.
  - Owners corporation may, by special resolution at general meeting, determine (either generally or in particular case) that a contribution is to bear no interest.
  - Strata manager does not have authority to waive the interest as it is not money owing to the strata manager.
  - The Courts have determined that non-receipt of a levy notice is not a sufficient reason for non-payment.
  - If a lot is sold and there are unpaid levies, then both the owner at the time the contributions were levied and the new owner are jointly and severally liable for the payment of the contribution and the interest payable.
  - If a lot is sold and there are unpaid levies, then both the owner at the time the contributions were levied and the new owner are jointly and severally liable for the payment of the contribution and the interest payable.
- f) Lot 181 is used in this Motion as example of how serious losses in common funds can be due to unpaid levies.

g) Lot 181, Mr. Stan Pogorelsky, by own admission (who did not share it with owners), paid \$50.00 for gas heating in FY 2001. In this secret spreadsheet, he also submitted that GST applied from 2002, whilst the fact is that GST was introduced on 1 July 2000, and admitted that he did not pay for FY 2012 and 2013, ignoring the fact that levies had to be paid even if invoice had been lost or not sent:

Stan Pogorelsky  
Gas Charges paid by S & T Pogorelsky on unit 181 - SP52948  
From 1999 to 2018

	Date Paid	Period applicable	\$	
1999		1/9/99 to 31/8/2000		Moved in 1/11/98
2000	23/08/2000	1/9/2000 to 31/8/01	100.00	
2001	1/08/2001	1/9/01 to 31/8/02	50.00	
2002	21/07/2002	1/9/02 to 31/8/03	55.00	\$50+\$5GST
2003	31/07/2003	1/9/03 to 31/8/04	55.00	
2004	1/11/2004	1/9/04 to 31/8/05	55.00	
2005	1/11/2005	1/9/05 to 31/8/06	55.00	
2006	1/11/2006	1/9/06 to 31/8/07	55.00	
2007	1/11/2007	1/9/07 to 31/8/08	55.00	
2008	1/11/2008	1/9/08 to 31/8/09	55.00	
2009	26/10/2009	1/9/09 to 31/8/10	55.00	
2010	24/10/2010	1/9/10 to 31/8/11	55.00	\$55 Credit on 1/2/11 and Debit \$55 on 2/5/11
2011	7/11/2011	1/9/11 to 31/8/12	55.00	
2012		1/9/12 to 31/8/13		Not billed by BCS
2013		1/9/13 to 31/8/14		Not billed by BCS
2014	1/08/2014	1/9/14 to 31/8/15	55.00	
2015	1/09/2015	1/9/15 to 31/10/15	311.66	See below
2016	3/11/2015	1/11/15 to 31/1/16	55.00	From our AGM in November 2014 new rate is \$50+\$5 per quarter and should be billed quarterly on BCS statement to unit holders
	1/02/2016	1/2/16 to 30/04/16	55.00	
	2/05/2016	1/5/16 to 31/7/16	55.00	
	1/08/2016	1/8/16 to 31/8/16	18.34	In summary I owe you \$110.00 for 2012 and 2013. And \$18.33 x 2 = \$36.66 for Sept & Oct 2014
	20/09/2016	1/9/16 to 31/10/16	36.66	Overpaid
2017	1/05/2017	1/9/16 to 31/8/17	220.00	Billed by Waratah

As well you should have billed me for gas usage in  
 Quarter 1/11/14 to 31/01/15 55.00  
 Quarter 1/02/15 to 30/04/15 55.00  
 Quarter 1/05/15 to 31/07/15 55.00  
 Quarter 1/08/15 to 31/10/15 55.00  
 220.00  
 Less what you charged for 2014 55.00 Paid by me  
 165.00

So I owe you \$110 + \$36.66 + \$165 = \$311.66 which will take me up to Quarter ended 31/10/15. Paid on 29/6/15

Please invoice (email to me) me for these charges so that this matter can be put to rest.

The amount owing was \$170.00 (GST incl), as per decision at committee meeting on 21 July 1999, to be applied retrospectively:

[SP52948-EC-meeting-21Jul1999-first-time-gas-charges-introduced.pdf](#)

### 13. Gas heating in units

Resolved that written advice be obtained from the contractor that did the original gas installation at the complex regarding the implications of residents installing gas heating.

Resolved that subject to the general system not being adversely effected by such additions that residents be permitted to use gas for heating subject to an annual fee of \$200.00 being paid to the Strata Plan with such charge also applying to any resident that has already installed such gas heating.

h) Extract from AGM 2013 paperwork showing three proxy votes being given to Lot 147 who was unfinancial, one proxy vote to Lot 181 who was unfinancial, six proxy votes given to fully-financial Lot 158 where two were disallowed for \$0.10 and \$5.40 outstanding levies, and number of owners who were allowed to vote (including ex-committee members Lot 3 and Lot 62) whilst unfinancial.

The following owners were prevented to vote at AGM 2013, although their outstanding amount owing was small:

- Lot 98 (owing \$0.10)
- Lot 111 (owing \$5.40)
- Lot 203 (owing \$8.66)
- Lot 212 (owing \$3.87)

	Lot No.	Lot owner	Appointed Proxy	Financial	Amount Outstanding
1	3	Zelunzuk	Bruce Copland	Yes	
2	5	Klein	Bruce Copland	Yes	
3	10	Saulits	Bruce Copland	Yes	
4	15	Baskin	Bruce Copland	Yes	
5	27	Panda & Tripathy	Bruce Copland	Yes	
6	49	Ward	Bruce Copland	Yes	
7	53	Baskin	Bruce Copland	Yes	
8	57	Ward	Bruce Copland	Yes	
9	62	Aranwela	Bruce Copland	Yes	
10	73	Blechman	Bruce Copland	Yes	
11	75	Cohen	Bruce Copland	Yes	
12	80	Widjaya & van der Walt	Bruce Copland	Yes	
13	130	Quick	Bruce Copland	Yes	
14	133	Hirschhorn	Bruce Copland	Yes	
15	147	Levitt	Bruce Copland	Yes	
16	151	McDonald	Bruce Copland	Yes	
17	164	Keating & Narayan	Bruce Copland	Yes	
18	167	Friede	Bruce Copland	Yes	
19	176	Zhu	Bruce Copland	Yes	
20	177	Chan	Bruce Copland	Yes	
21	181	Pogorelsky	Bruce Copland	Yes	
22	203	Chen	Bruce Copland	No	\$8.66
23	212	Anderson	Bruce Copland	No	\$3.87
24	219	Young	Bruce Copland	Yes	
25	98	Brincat-Lisano		No	\$0.10
26	102	Park & Kim		Yes	
27	111	Chan		No	\$5.40
28	153	Kim		Yes	
29	188	Lee		Yes	
30	190	Poulos		Yes	
31	54	Green	John Ward	Yes	
32	148	Yeend	Moses Levitt	Yes	
33	156	Slon	Moses Levitt	Yes	
34	213	Ozer	Moses Levitt	Yes	
35	21	Karolewski	Stan Pogorelsky	Yes	
36	35	Ng	the Chairperson	Yes	
37	93	Gibbons	the Chairperson	Yes	
38	107	Cohen	the Chairperson	Yes	
39	136	Kemsley	the Chairperson	Yes	
40	137	Kemsley	the Chairperson	Yes	
41	159	Desan	the Chairperson	Yes	
42	195	Diacono	the Chairperson	Yes	
43	200	Gore	the Chairperson	Yes	
44	205	Hwang	the Chairperson	Yes	
45	207	Lee	the Chairperson	Yes	
46	216	Perera	the Chairperson	Yes	

24 +  
11  
35

(6)

(1)

(3)

(1)

(11)

...

i) BCS Strata Management and committee members allowed the following owners to be counted as valid at AGM 2012:

- Lot 160 (owing \$2.30)
- Lot 195 (owing \$1.46)
- Lot 203 (owing \$3.01)

**Strata Plan 52948**

Proxies received for AGM 17th October 2012 (status as at 4:50pm Tuesday 16th October 2012)

d:\documents and settings\peter bone\local settings\temporary internet files\content.outlook

Validity Path Gatehouse

Unit No.	Owner's Name	Proxy Nominee	Meetings	Months	13	15	Financial Check	Chairman's Decisions
2 ✓	RT & NR GONSALVES	Bruce Copland	1		No	No	OK	
3 ✓	Lorna & Yigal Zelunzuk	Bruce Copland	1		No	No	OK	
5 ✓	Karyn Klein	Bruce Copland	1		No	Yes	OK	
10 ✓	Elizabeth Saulits	Bruce Copland	1		No	No	OK	
15 ✓	Marlene Baskin	Bruce Copland		6	No	BC	OK	
33 ✓	J Wang & Q Wang	Bruce Copland	1		Yes	Yes	OK	
34 ✓	J Wang & Q Wang	Bruce Copland	1		Yes	Yes	OK	
39 ✓	Shirley Bruce	Bruce Copland	1		No	Yes	OK	
40 ✓	C Low	Bruce Copland	1		BC	BC	OK	
42 ✓	Thelma Pincus	Moses Levitt	1		No	No	OK	
44 ✓	Leon & Mary Shohmelian	Bruce Copland		12	BC	BC	OK	
49 ✓	John Ward	Bruce Copland	1		Yes	Yes	OK	
53 ✓	R & D Baskow	Bruce Copland	1		Yes	Yes	OK	
57 ✓	John Ward	Bruce Copland	1		Yes	Yes	OK	
62 ✓	Upali & Marguerite Aranwela	Bruce Copland	1		No	Yes	OK	
73 ✓	Sam & Sandra Blechman	Bruce Copland	1		No	Yes	OK	
80 ✓	Sheila Benicar	Moses Levitt	1		No	No	OK	
84 ✓	KS & KC KIM	Hoo J. Kim	1		HJK	HJK	OK	Only 1 signature?
93 ✓	Pamela Gibbons	Chairman		12	BC	BC	OK	
106 ✓	Ronny Marks	Chairman	1		BC	BC	OK	
111 ✓	Tammy Chan			12	DB	DB	OK	
114 ✓	MR D MACMASTER	Hoo J. Kim	1		HJK	HJK	OK	
123 ✓	Joanne Hessink	Bruce Copland	1		Yes	Yes	OK	
127 ✓	H KWON & A CHOI	Hoo J. Kim		1	HJK	HJK	\$2,423.42	Please check if these funds are still c
136 ✓	Timothy & Susan Kemsley	Chairman	1		Yes	Yes	OK	
137 ✓	Timothy & Susan Kemsley	Chairman	1		Yes	Yes	OK	
142 ✓	Genelle Godbee	Bruce Copland	1		No	No	OK	
148 ✓	MR & MRS P YEEND	Bruce Copland	1		No	Yes	OK	Only 1 signature?
150 ✓	MS D NIAR	Bruce Copland	1		BC	BC	OK	Proxy signed by POA - copy attached
152 ✓	F KIM	Hoo J. Kim	1		HJK	HJK	OK	
156 ✓	Barry Slon	Moses Levitt	1		No	No	OK	
160 ✓	Harry George Poulos	Chairman			BC	BC	2.30	Outstanding amount negligible
162 ✓	J & J Marshall	Moses Levitt	1		No	No	OK	
164 ✓	Paul Keating & Kaleshni Narayan	Bruce Copland	1		Yes	Yes	OK	
168 ✓	Elana Sacks (Elray Australia P/L)	Bruce Copland	1		No	No	OK	
176 ✓	Shaoyun Zhu	Bruce Copland	1		Yes	Yes	OK	
177 ✓	Michael Chan	Bruce Copland	1		No	No	OK	
188 ✓	Ronald Lee			12	DB	DB	OK	
195 ✓	Marc Diacono	Chairman		12	BC	BC	1.46	Outstanding amount negligible
196 ✓	SM Woo & YJ Gee	Chairman	1		Yes	Abstain	OK	
197 ✓	H H YUN & H S KAE	Hoo J. Kim	1		HJK	HJK	OK	
198 ✓	X Li	Bruce Copland	1		No	No	OK	
200 ✓	JL & E Gore	Bruce Copland	1		No	No	OK	
203 ✓	Yan Chen	Bruce Copland	1		BC	BC	3.01	Outstanding amount negligible
205 ✓	SUN HWANG	Hoo J. Kim	1		HJK	HJK	OK	
206 ✓	A (partner deceased)	Bruce Copland			BC	BC	OK	Single Signature Acceptable
209 ✓	Robert Brown	Bruce Copland	1		BC	BC	OK	
210 ✓	John Lee Hui-min Rong	Bruce Copland	1		Yes	Yes	OK	
216 ✓	Chevonne Perera	Bruce Copland	1		Yes	Yes	OK	
218 ✓	J Wang & Q Wang	Bruce Copland	1		Yes	Yes	OK	
219 ✓	Jean Young	Bruce Copland		12	BC	BC	OK	
<b>Total received</b>			<b>51</b>		<b>51</b>	<b>51</b>		

Summary	Proxy holder	Proxies held		13	15
	Bruce Copland	32	BC	11	12
	Chairman	7	DB	2	2
			HJK	6	6
	Moses Levitt	4	Yes	14	18
		2	No	18	12
	Hoo J Kim	6	Abstain	0	1
<b>Total received</b>				<b>51</b>	<b>51</b>

48 48

j) Secret handwritten note by Waratah Strata Management for committee meeting in February 2019, where Mr. Robert Crosbie confirmed that gas heating levies were not paid in 2016 too (information about levies set to \$220.00 on 27 November 2013 was inaccurate and misleading):

[SP52948-handwritten-note-by-Waratah-Strata-Manager-confirming-no-gas-levies-charged-for-FY2016-and-levies-set-to-220-dollars-on-27Nov2013-for-EC-meeting-Feb2019.pdf](#)

k) Alleged ransomware attack against Waratah Strata Management in early February 2019, with secret Bitcoin ransom payment in amount of \$5,052.03 without disclosure who paid it but it was not disclosed in minutes of any committee or general meeting.

[Sententia-brief-analysis-with-limited-evidence-ransomware-attack-against-Waratah-Strata-Management-undisclosed-to-owners-of-strata-plan-SP52948.pdf](#)

[SP52948-request-to-disclose-information-submitted-to-Waratah-Strata-Management-if-EC-members-were-notified-about-two-events-for-loss-of-strata-files-in-a-timely-manner-11Aug2019.html](#)

[SP52948-Interim-report-sent-to-Waratah-Strata-Management-with-request-to-provide-information-about-alleged-data-breach-at-strata-agency-and-loss-of-strata-files-17Feb2020.html](#)

l) Waratah Strata Management used this alleged event to make a claim that gas heating levies were "lost" for financial year that ended on 31 August 2018 (five months before alleged ransomware attack) in minutes of committee meeting on 21 March 2019:

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
21	21	Yes	Thomas Karolewski
88	88	Yes	Marianna Paltikian
142	142	Yes	Genelle Godbee
147	147	Yes	Moses Levitt
151	151	Yes	Maureen McDonald
181	181	Yes	Stan Pogorelsky
200	200	Yes	John Gore

IN ATTENDANCE: Robert Crosbie - Waratah Strata Management  
Frank Tallaridi - 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 OFFICE BEARERS**  
Resolved that the strata committee appoint members to the office bearing roles of:  
  
Chairperson - Stan Pogorelsky  
Secretary - Marianna Paltikian  
Treasurer - Vacant
- 3 FINANCIAL REPORT**  
Resolved that the financial reports for the current financial year were tabled and discussed.  
  
Further resolved that following Waratah Strata's computer hacking loss of data, the additional gas point fee is to be re-charged to the levy account of Lots 3, 8, 59, 62, 68, 102, 127, 147, 148, 163, 181 & 182 for the period 1 September 2017 to 31 August 2018. Further resolved the same lots are to be charged the same fee for the period 1 September 2018 to 31 August 2019, with this fee due and payable on 1 May 2019.

(Stan Pogorelsky & Mo Levitt left the meeting for the duration of the following item due to their vested interest in the outcome of the discussion.) Further resolved the strata manager is to review the

1

Minutes Page 1 of 3

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available Owners Corporations records to determine whether there is sufficient information available to decide whether any lot owner owes to the Owners Corporation any amount for the additional gas point fee for prior years. (Note: The strata manager advises that due to a complaint lodged with the police by the owners of Lot 158, the USB containing the BCS Strata Management records was taken by the NSW Police for examination. The USB was subsequently lost by the Police. Both the Police and Waratah Strata have attempted to obtain a replacement USB from BCS, but that has not been provided. As a result of the missing USB, it will be impossible to determine the history of the gas point fee charges during BCS' management period.)

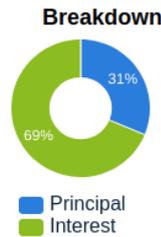
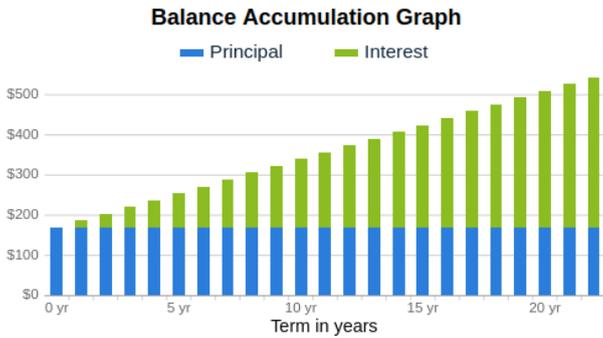
m) Lot 181 never paid those outstanding levies, as per his own admission. In 2023, just for unpaid gas heating levies in 2001, with 10% simple interest per year, Lot 181 owes \$544.00 (that figure becomes much higher when all other outstanding years are added):

Balance	Principal	Term	Rate
Principal	<input type="text" value="\$170"/>		
Interest rate	<input type="text" value="10"/> %	<input type="text" value="per year"/>	
Term	<input type="text" value="22"/>	<input type="text" value="years"/>	
<input type="button" value="Calculate"/>		<input type="button" value="Clear"/>	

### Results

**End Balance: \$544.00**  
**Total Interest: \$374.00**

Calculation steps:  
 Total Interest =  $\$170 \times 10\% \times 22$   
 = \$374.00  
 End Balance =  $\$170 + \$374.00$   
 = \$544.00



n) There are number of other owners with long-term gas heating connections: Lot 3, Lot 62, and Lot 147 are special cases because they served as committee members in the past:

[SP52948-Unpaid-gas-heating-levies-and-unfinancial-owners-brief-public-information-from-strata-files-and-meetings.pdf](#)

o) Ordinary resolution for Motion 14 at AGM 2019 can be rescinded at any general meeting, especially since the meeting was non-compliant with strata laws (unfinancial owners approved Motion 14 before Motion 4 and elected unfinancial committee members who then voted against paying overdue levies) and delayed collection of gas heating levies as shown in extract from committee meeting on 20 July 2017 who delayed actions for two years and three months):

#### 5 GAS CHARGES

The historical charges to lot owners for additional gas points was discussed. The strata manager advised that a thorough review of the BCS records has been carried out, including a request for further information from BCS, and it is still not possible to accurately confirm the amounts that have been charged to and paid by the respective lot owners. It is the view of the strata committee that the cost of carrying out a forensic audit of the strata accounts over many years would far exceed the amount of any unpaid additional gas charges and therefore the cost of this exercise could not be justified. Resolved that a motion is to be included on the Annual General Meeting agenda to allow owners to vote on whether a forensic audit of the gas charges is to be carried out or whether it will be deemed that all gas charges are paid up to date. (Note: In the accounts provided by BCS at the change of strata manager they indicate General Debtors in relation to gas charges totalling \$1,411.66, of which only \$91.66 relates to strata committee members. The committee do not believe this information is accurate but have deferred this decision to be made at the AGM so there is no question of a conflict of interest by the committee.)

The issue of gas supply and gas usage charges was also discussed. Waratah Strata Management were previously instructed to only reimburse gas usage and not gas supply charges. It has been raised by

various owners that this is inconsistent with what previously occurred and amended Special By-Law 13. It was discussed that the unit owners only pay a supply charge for the gas used for hot water and not cooking, and that the townhouse owners should therefore also not pay the supply charges for their gas used for cooking. Resolved that the townhouse owners are to be reimbursed the gas supply and gas usage charges. Waratah Strata are to reimburse owners the gas supply charges on any previously claimed expenses as part of the next reimbursement paid.

p) Extract from agenda for AGM 2019 (without owners having true information about overdue levies):

**14 ADDITIONAL GAS POINT CHARGES**

That the Owners Corporation will take no further action to investigate or audit the history of additional gas point charges and all lots are deemed to be paid in full.

Explanatory Note: Due to repeated public allegations that have been made by the owners of Lot 158 in relation to the charges that have been made to those owners with additional gas outlets, the strata manager and strata committee have conducted a thorough investigation of the available records going back to 1999. Stan Pogorelsky, owner of Lot 181, provided a detailed history of all relevant invoices he had received from Raine & Horne Strata, BCS Strata and Waratah Strata and of all payments made. As a result of that review it has been found that Lot 181 has not been issued with gas point charge invoices of \$55 for the quarter 1/12/15 - 28/2/16 and \$55 for the quarter 1/6/16 - 31/8/16. A further \$18.34 was short paid during 2015. In summary Lot 181 has short paid \$128.34 of which \$110 has never been invoiced.

There are a further 12-15 lots with additional gas points whose detailed records are not available to review. Many owners will be unwilling or unable to provide the detailed financial records required to review their gas charge payments. Some of the owners of these lots will have changed so it will not be possible to audit records or recover funds from those owners. It is considered that the cost of conducting a forensic audit of the strata records would far exceed the amount of any funds that may be recovered. It is therefore proposed by the strata committee to approve the above motion.

q) Extract from minutes of the AGM 2019:

**14 ADDITIONAL GAS POINT CHARGES**

Resolved that the Owners Corporation will take no further action to investigate or audit the history of additional gas point charges and all lots are deemed to be paid in full.

Explanatory notes:

Motion is designed to raise awareness of lack of collection of overdue gas heating levies which are passed to other owners.

**Motion: AGM 2023 did not allow discussion in Motion 9 on insurances**

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following events and legal requirements:

a) In Motion 9 for AGM 2023 agenda, owners were asked that insurances as listed in the annexures to the agenda of the meeting be confirmed, varied or extended, and in accordance with section 165 (2) of the Strata Schemes Management Act 2015 additional insurances be taken out.

b) Owners' property worth more than \$146 millions did not have any insurance cover when insurance policy for SP52948 expired on 21 September 2022, but renewal was delayed for five days and was not published for owners and costs were not included in Income & Expenditure Report even as late as 3 October 2022. No owner was notified about it by committee members or Waratah Strata Management.

Insurance renewal was paid on 26 September 2022, leaving SP52948 uninsured for additional five days (possibly adding to other period since early August 2022), without disclosure to owners. It also created risk of being unable to make any claims in that period, should any incident had happened.

c) The comparison between agenda for AGM 2022 and 2023 shows same insurance expiration date (21 September 2023), but different sums insured for loss of rent/temp accommodation, additional excesses for water-related claims and all other claims, and different insurance commissions paid to Waratah Strata Management.

In agenda for AGM 2023, sent by Waratah Strata Management on 5 October 2023, information about insurance premiums showed misleading and inaccurate details for FY 2023. When questioned about this significant errors, Waratah Strata Management had no answer at AGM 2023:

The image shows two pages from a PDF document. The left page is titled 'SP52948-Agenda-AGM-2022...' and is page 15 of 49. It contains 'Current Owners Corporation Insurance Details' for policy No 06S3320703, issued by Strata Unit Underwriters. It lists various cover types such as Building, Catastrophe, Public Liability, Fidelity Guarantee, Office Bearers Liability, Personal Accident Voluntary Workers, Government Audit Costs, Legal Defence Expenses, Workplace Health & Safety Breaches, Machinery Breakdown, and Lot Owners' Fixtures & Improvements, along with their sum insured and excess amounts. Below this, there are sections for 'Managing Agent Commissions and Training Services' and 'Large Schemes (Over 100 lots, excluding utility & parking lots)'. The right page is titled 'SP52948-agenda-AGM-2023...' and is page 6 of 84. It shows a summary of the insurance policy with a table of cover types and amounts, and sections for 'Managing Agent Commissions and Training Services' and 'Large Schemes (Over 100 lots, excluding utility & parking lots)'. The table on the right page lists cover types like Building, Loss of Rent/Temp Accom, Catastrophe, Public Liability, Fidelity Guarantee, Office Bearers Liability, Personal Accident Voluntary Workers, Government Audit Costs, Legal Defence Expenses, Workplace Health & Safety Breaches, Machinery Breakdown, and Lot Owners' Fixtures & Improvements, with their respective sum insured and excess amounts.

Same misinformation was repeated on page 81 of the AGM 2023 agenda, showing expired insurance (21 September 2023) on 5 October 2023:

14/06/2023	1/01/1900	014986	Sent	279.38
Plant 1 Water Filter Approval of quote 56251:				
10/08/2023	1/01/1900	015320	Sent	4,675.28
Hot Water Tank Approval of quote 56971				

## Insurances

### Details of Policies held

Renewal Date	Policy Number	Insurer	Premium Paid
21/09/2023	06S3320703	Strata Unit Underwriters	161,569.59
Building	26/09/2022	Active	

### Details of Claims processed

No information available for this period

### Details of Commissions

Policy Number	Start Date	Renewal Date	Policy Status	Estimated	Received
06S3320703	21/09/2022	21/09/2023	Active	0.00	9,936.71

d) On 21 September 2022, insurance premiums increased by significant amount of 50.84% (from \$108,193.26 in 2021 to \$161,569.59 in 2022 - all GST inclusive), without disclosure to owners, while as of 3 October 2022 Income & expenditure Report still did not list any payments for insurance policy:



Body Corporate Brokers Pty Ltd  
Level 11, 338 Pitt Street  
Sydney NSW 2000  
Ph: 02 9024 3850  
Email: nsw@bcb.com.au  
A.B.N. 95 002 809 298  
A.F.S.L. 244529



Waratah Strata Management  
035 75 361 031 745  
PO Box 125, Eastwood, NSW 2122  
Ph (02) 9114 9599  
Fax (02) 9114 9598  
www.waratahstrata.com.au

**Income & Expenditure Report  
for the financial year-to-date  
01/09/2022 to 03/10/2022**

Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	
<b>Administrative Fund</b>			
		Current period 01/09/2022-03/10/2022	Previous year 01/09/2021-31/08/2022
<b>Revenue</b>			
141900	Gas - Additional Service	0.00	2,945.40
142000	Insurance Claims	0.00	19,758.14
142500	Interest on Arrears-Admin	143.14	1,272.24
142800	Key Deposits	122.00	362.00
143000	Levies Due-Admin	0.00	737,506.48
144000	Miscellaneous Income-Admin	4,545.45	4,545.45
146500	Status Certificate Fees	109.00	1,308.00
147000	Strata Roll Inspection Fees	0.00	279.00
<b>Total revenue</b>		4,919.59	767,976.71
<b>Less expenses</b>			
150200	Admin-Accounting	150.00	450.00
153800	Admin-Agent Disbursements	1,099.75	13,092.24
153805	Admin-Agent Disburse-Stationery	0.00	34.91
150800	Admin-Auditors-Audit Services	0.00	1,100.00
150900	Admin-Auditors-Taxation Services	0.00	555.00
153200	Admin-Legal & Debt Collection Fees	(325.00)	8,669.78
154000	Admin-Management Fees-Standard	2,131.95	25,380.38
156000	Admin-Status Certificate Fees Paid	0.00	1,308.00
156400	Admin-Strata Inspection Fees Paid	31.00	248.00
159100	Insurance-Premiums	1,470.34	99,132.62

**RENEWAL TAX INVOICE**

The Owners Of Strata Plans 52948 And 53855  
C/- Waratah Strata  
PO BOX 125  
EASTWOOD NSW 2122

Date: 21/09/2022  
Invoice Number: 743674  
Key Contact: Francis Gabone

Thank you for using our services to arrange this insurance cover.

Brief details of the cover arranged on your behalf are given below. You should refer to the policy documents issued by the insurer for complete policy terms and conditions.

Please read carefully the important notices attached regarding your duty of disclosure. Do not hesitate to contact us with any questions you may have.

Type of Policy	SUU Residential
Insured	The Owners Of Strata Plans 52948 And 53855
Description	1-15 Fontenoy Road MACQUARIE PARK NSW 2113
Insurer	Strata Unit Underwriting Agencies Pty Ltd
Policy Number	06S3320703
Period of Insurance	21/09/2022 to 21/09/2023

Premium	FSL	Insurer Agency Policy Fee	Insurer Total GST	Stamp Duty	Admin Fee	Admin Fee GST	Invoice Total
\$120,444.92	\$10,363.74	\$ 300.00	\$13,110.86	\$12,950.07	\$4,000.00	\$ 400.00	<b>\$161,569.59</b>

e) Waratah Strata Management published updated insurance policy 21 days after due date (21 September 2023) on 12 October 2023, claiming that insurance was paid before due date - on 20 September 2023. This document still did not list all excesses (one drastic example was \$10,000.00 excess for each and every water-related damage and exploratory work, introduced by insurance company since 2012 and hidden from owners by strata managers in most years):

[SP52948-insurance-due-on-21Sep2023-published-21-days-later-on-12Oct2023.pdf](#)

f) Waratah Strata Management did not disclose to owners that they might have delayed additional payments (excesses) for insurance policy due on 9 August 2022, as shown in reminder sent by BCB insurance broker:



Body Corporate Brokers Pty Ltd  
A.F.S. 244529  
A.B.N. 95 002 809 298  
Level 11, 338 Pitt Street,  
Sydney NSW 2000  
Ph: 02 9024 3850  
Email: nsw@bcb.com.au

The Owners Of Strata Plans 52948 And 53855  
C/- Waratah Strata  
PO BOX 125  
EASTWOOD NSW 2122

**FIRST AND FINAL  
REMINDER**

Our Reference 734964  
Endorsement

Dear Client,

We draw your attention to an outstanding invoice number 00734964 for the policy mentioned below. The outstanding balance of \$1,617.37 was due on the 09/08/2022. We thought it appropriate to send this final reminder to you in case the account has been overlooked or misplaced.

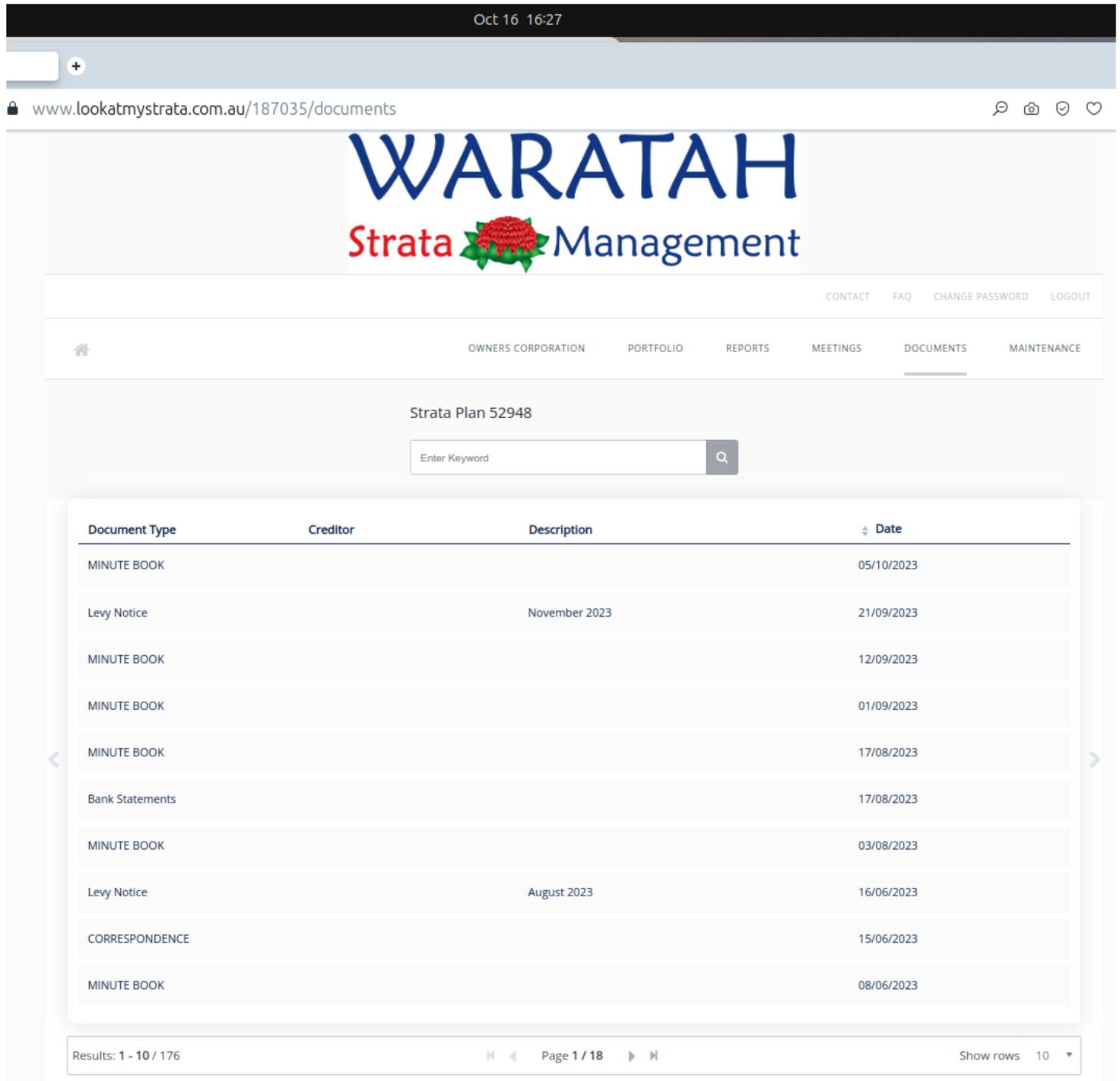
Type of Policy	SUU Residential
Insured	The Owners Of Strata Plans 52948 And 53855
Description	1-15 Fontenoy Road MACQUARIE PARK NSW 2113
Insurer	Strata Unit Underwriting Agencies Pty Ltd
Policy Number	06S3320703
Period of Insurance	21/09/2021 to 21/09/2022
Effective Date	09/08/2022

Please forward the outstanding amount to this office within 7 days; your cover has expired. Regretfully, you may no longer be covered in the event of a claim. If you require continuance of cover or should you have any queries regarding this outstanding amount please contact our office immediately.

Yours sincerely,  
New South Wales

g) As late as 4 October 2023, Waratah Strata Management did not publish any expenses for insurance renewal, which directly correlated to the fact that agenda for AGM 2023 was published and sent on 5 October 2023, allowing Waratah Strata Management to avoid publishing any information about insurance renewal.

h) Document folder at Waratah Strata Management website did not disclose insurance policy for owners as of 16 October 2023:



Oct 16 16:27

www.lookatmystrata.com.au/187035/documents

# WARATAH Strata Management

CONTACT FAQ CHANGE PASSWORD LOGOUT

OWNERS CORPORATION PORTFOLIO REPORTS MEETINGS DOCUMENTS MAINTENANCE

## Strata Plan 52948

Enter Keyword

Document Type	Creditor	Description	Date
MINUTE BOOK			05/10/2023
Levy Notice		November 2023	21/09/2023
MINUTE BOOK			12/09/2023
MINUTE BOOK			01/09/2023
MINUTE BOOK			17/08/2023
Bank Statements			17/08/2023
MINUTE BOOK			03/08/2023
Levy Notice		August 2023	16/06/2023
CORRESPONDENCE			15/06/2023
MINUTE BOOK			08/06/2023

Results: 1 - 10 / 176 Page 1 / 18 Show rows 10

i) Waratah Strata Management did not allow owners to have information about under-insured policy for catastrophe-events:

[SP52948-underinsured-large-strata-complex-for-catastrophe-events-FY-2023.pdf](#)

j) Waratah Strata Management did not allow owners to have information about lack of policy disclosures in many years since 2012:

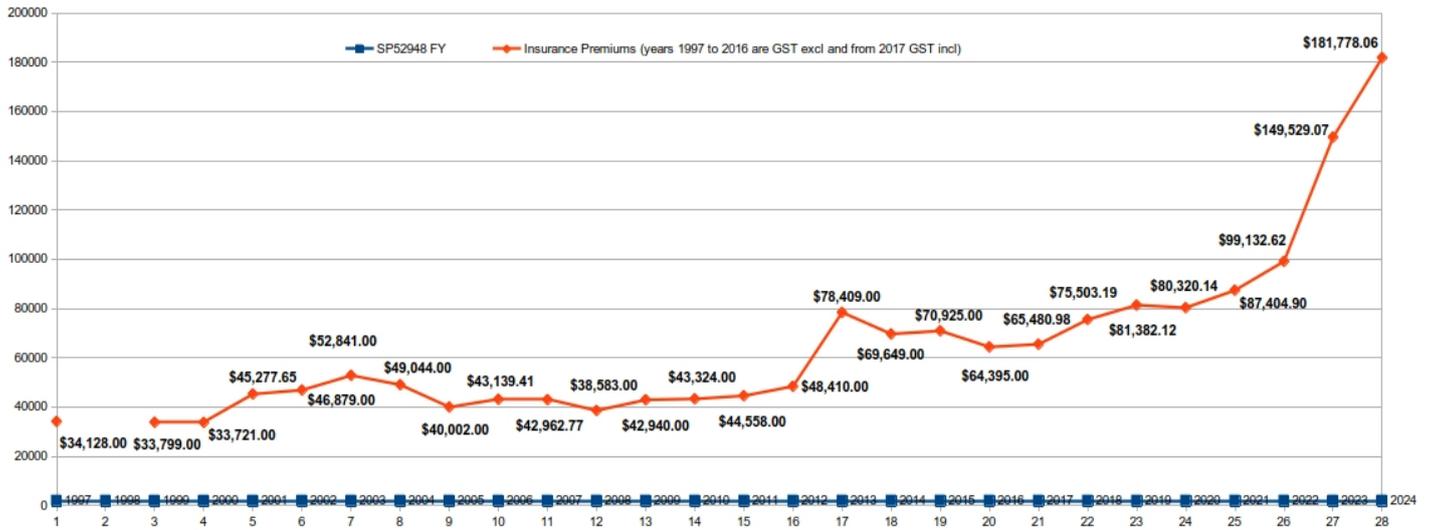
[SP52948-incomplete-insurance-policy-disclosures-to-owners-in-period-2012-to-2023.pdf](#)

k) Waratah Strata Management did not allow owners to have information about discrepancies in Solicitor Adrian Mueller's legal costs and insurance payments in FY 2022 and 2023:

[SP52948-discrepancies-between-Solicitor-Adrian-Mueller-legal-and-insurance-payments-FY-2022-and-2023.pdf](#)

l) Waratah Strata Management did not allow status of insurance premium changes in period 1997 to 11 October 2022 (Waratah Strata Management took office on 1 February 2017 without competitive tender at AGM 2016) to be shared with owners:

SP52948 Financial Year	Insurance Premiums (GST excl)	Difference 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 to receive insurance commissions
2011	\$44,558.00	2.85%	BCS Strata Management not allowed to receive insurance commissions
2012	\$48,410.00	8.64%	BCS Strata Management not allowed to receive insurance commissions
			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
2013	\$78,409.00	61.97%	
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
			Insurance claim for Solicitor Adrian Mueller (on 25 March 2022 Waratah Strata Management listed revenue from insurance claims in amount of \$19,758.14.
2022	\$99,132.62	13.42%	Insurance broker forced SP52948 to pay extra \$1,617.37 (GST incl) 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
			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).
2023	\$149,529.07	50.84%	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
			Insurance renewal was due on 21 September 2023 but not listed on Waratah Strata Management even as late as 5 October 2023. \$9,936.71 paid to Waratah Strata Management
2024	\$181,778.06	21.57%	



Explanatory notes:

Motion is designed to raise awareness of continuous risks due to lack of proper assessment of insurance covers and costs due to ongoing risks (poor maintenance, legal cases).

**Motion: AGM 2023 did not allow discussion in Motion 10 for strata management commission and disclosure that insurance commissions paid to Waratah Strata Management amounted to \$47,849.98 since 2018**

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

a) In Motion 10 for AGM 2023 agenda, owners were asked that the report (as listed in the attached notes) by the agent as to the commissions or training services that have been provided or paid for or are likely to be provided or paid for the agent for the following 12 months be received.

b) 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:

[SP52948-Motions-by-Lot-158-AGM-2023-public.pdf](#)

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 status of insurance premiums since 1997 and collection of insurance commissions paid to Waratah Strata Management".

d) 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

e) 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 10<sup>th</sup> March 2012

Page 2 of 6

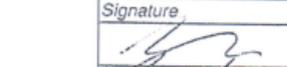
Sent: Thursday, 27 August 2015 9:11 PM  
 To: Gary Mills  
 Cc: Billy Cheung  
 Subject: FW: Rebate of insurance commission

Gary

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

Regards

Bruce Copland

PICA			
<b>CREDIT AUTHORITY</b>			
PLAN NO.	52948	DATE:	8th Sept 2015
PLAN NAME:	1-15 FONTENOY ROAD MACQUARIE PARK NSW 2113		
CREDIT REQUESTED BY:	bruce copland	PICA BRANCH	Epping
CREDIT AMOUNT	Amount ex GST	GST	Total
	\$1,700.00	\$180.00	\$1,980.00
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	303-006403	
FOLLOW UP REQUIRED			
<b>CREDIT AUTHORITY</b>			
	Signature	Name	Date
REQUESTOR		Gary Mills	8/9/2015
BRANCH / DEPARTMENT MANAGER <\$500		Billy Cheung	
REGIONAL MANAGER <\$2,000		Peter Le breton	8/9/15

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

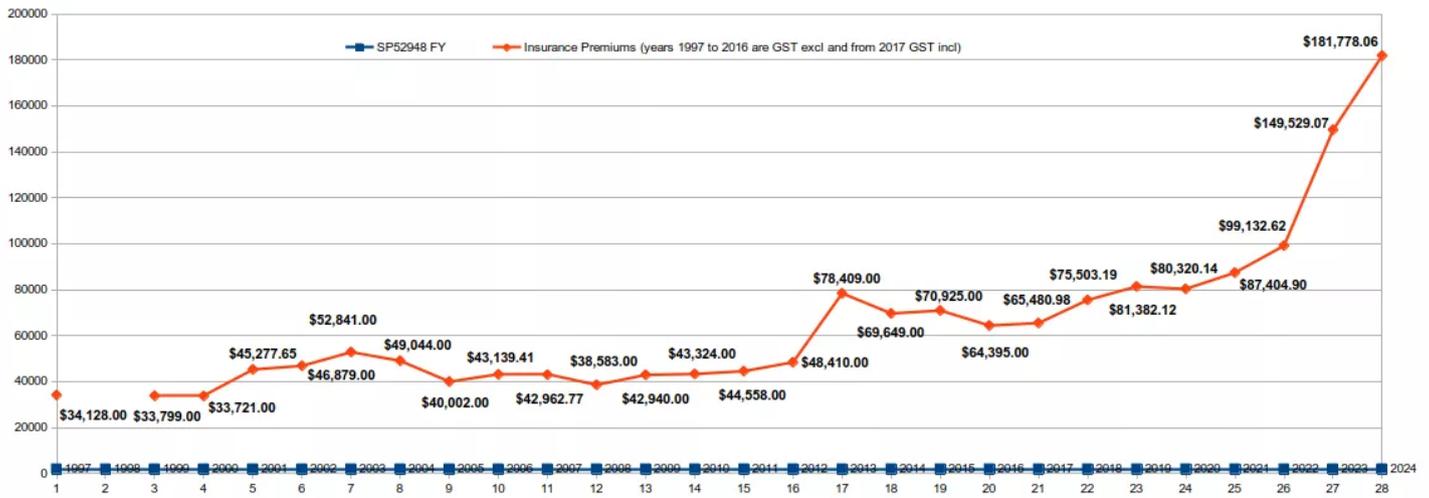
g) After Waratah Strata Management took office on 1 February 2017, they started receiving significant rebates and commissions for insurance renewals:

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

h) 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)	Difference 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)
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 not listed on Waratah Strata Management even as late as 5 October 2023 \$9,936.71 paid to Waratah Strata Management

i) Graph of insurance premiums and payments:



j) Waratah Strata Management failed to inform owners that there are also other ways for strata managers to earn more from insurance renewals.

In addition to disclosed commission received by the strata manager, a profit share is also paid to the strata manager. Strata manager must disclose a commission - but what is not disclosed is the further profit share for the placement of the policy. For example, below is a disclosure in the Financial Services Guide of one insurance broker that has a business model based on the payment of referral fees to strata managers:

*We may also make other payments to the shareholders of our parent company (name withheld) and our Strata Manager calculated by reference to our profit, less certain cash flow and certain capital expenditure (distribution amount). For the Strata Manager's their share of the distribution amount will relate to the insurance premium generated as a consequence of each manager financial services.*

k) Waratah Strata Management failed to inform owners that it was not necessary to use them for obtaining quotes for insurances.

Best practices, to avoid conflict of interest, recommend that committee members seeking quotes from the insurers but remuneration structure that best suits owners corporation.

Explanatory notes:

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

**Motion: AGM 2023 did not allow discussion in Motion 11 and full costs assessment on fire safety (outstanding since 2020)**

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following events and legal requirements:

- a) In Motion 11 for AGM 2023 agenda, owners were asked to consider the annual fire safety statement and to make arrangements for obtaining the next annual fire statement.
- b) Fire Safety Statements and City of Ryde fire orders and cause for delays were not presented in the agenda or at any time beforehand.
- c) Waratah Strata Management did not disclose to owners ongoing problems with fire and OH&S problems before or at AGM 2023 :

[SP52948-continuous-delays-with-fire-and-OHS-problems](#)

d) Waratah Strata Management did not allow owners at AGM 2023 to discuss FY 2022 (ending on 31 August 2022), \$30,403.25 (GST excl) was paid for fire orders and repairs without disclosure of Council documents to owners, without plans for such repairs in 10-Year Capital Works Fund, and without detailed expense assessment at any general meeting:

Maint Bldg--Fire Protection 265800							
24/09/2021	Fire Order	Core Consulting Engineers Pty Ltd	4,000.00	Paid	DE	INV-CCE2740	001227
28/09/2021	Replace Emergency/Exit Lights	RS Electrical	1,560.00	Paid	DE	305	001213
08/10/2021	U's 47 & 158 Smoke Alarm	FlameSafe Fire Protection Pty Limited	720.00	Paid	DE	F103632	001233
11/10/2021	Fire Order	Core Consulting Engineers Pty Ltd	4,000.00	Paid	DE	INV-CCE2963	001232
12/10/2021	Fire Exit Door Works	FlameSafe Fire Protection Pty Limited	9,305.25	Paid	DE	F103761	001233
03/03/2022	Smoke Alarms in Conference Room	Platinum Electricians Sydney	449.95	Paid	DE	731192	001337
<hr/>							
07/10/2022	10:48	Robert Crosbie					Page 24

### Strata Plan 52948

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

Date	Details	Payee	Group	Amount (GST exclusive)	Status	Type	Ref.No.	Payment No.
<b>Capital Works Fund</b>								
16/03/2022	Paid into incorrect account			(449.95)		Rct	5298	
21/03/2022	Lvl7Block A Smoke Detector/LED Boiler Room	Handyman Electrics Pty Ltd		460.00	Paid	DE	354	001349
29/03/2022	Smoke Alarm Replacements	RS Electrical		3,600.00	Paid	DE	312	001367
16/05/2022	Fire Extinguisher Pressure Test & Replace	FlameSafe Fire Protection Pty Limited		808.00	Paid	DE	F107760	001399
23/05/2022	Fire Safety Door Repairs	Lock Stock & Barrel Locksmiths Pty Ltd		5,950.00	Paid	DE	INV-1826	001405
				<b>\$30,403.25</b>				

e) Waratah Strata Management did not allow owners at AGM 2023 to discuss FY 2023 (ending on 31 August 2023), \$43,711.00 (GST excl) was paid for fire orders and repairs without disclosure of Council documents to owners, without plans for such repairs in 10-Year Capital Works Fund, and without detailed expense assessment at any general meeting:

Maint Bldg--Fire Protection 265800								
19/09/2022	Replace Fire Hydrant Batteries	FlameSafe Fire Protection Pty Limited	926.00	Paid	DE	F110273	001478	
09/01/2023	Replacec LED Emergency Light Fitting	Raw Services Pty Ltd	470.00	Paid	DE	mnt379	001576	
13/03/2023	Door Repairs	Lock Stock & Barrel Locksmiths Pty Ltd	1,520.00	Paid	DE	INV-2983	001603	
21/03/2023	Emergency Light Replacement	RS Electrical	9,635.00	Paid	DE	325	001610	
27/03/2023	Smoke Alarm Replacement All Units	RS Electrical	720.00	Paid	DE	326	001616	
22/05/2023	Fire Order	Austech Consulting Engineers Pty Ltd	26,600.00	Paid	DE	INV-0359	001659	
26/06/2023	AFSS Repairs	FlameSafe Fire Protection Pty Limited	3,840.00	Paid	DE	F1115716	001683	
				<b>\$43,711.00</b>				

f) Waratah Strata Management did not allow owners at AGM 2023 to discuss FY 2023 (ending on 31 August 2023), \$15,400.00 (GST excl) was paid for fire safety consultants without full disclosure to owners, without plans for such costs in 10-Year Capital Works Fund, and without detailed expense assessment at any general meeting:

Maint Bldg--Consultants 264200								
29/11/2022	Fire Order	Austech Consulting Engineers Pty Ltd	11,400.00	Paid	DE	INV-0335	001530	
18/04/2023	Fire Order Documentation	GRS Building Reports Pty Ltd	4,000.00	Paid	DE	R093	001625	
				<b>\$15,400.00</b>				

g) At AGM 2023, Mr. Health Crosbie mentioned issue of using an uncertified (or unlicensed?) contractor for fire safety orders, which was removed from further work, without disclosing if owners' money was recovered for such work and if insurance company was notified about it.

h) Examples of fire doors with significant damages as of October 2023:





h) Waratah Strata Management and committee members did not make any assessment of funds required for fire safety orders.

Explanatory notes:

Motion is designed to raise awareness of continuous risks due to lack of proper fire safety assessments and repairs.

**Motion: AGM 2023 did not allow discussion in Motion 12 on records from the strata manager specifying the functions exercised and the manner in which they were exercised**

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

a) In Motion 12 for AGM 2023 agenda, owners were asked that the records from the strata manager specifying the functions exercised and the manner in which they were exercised be considered.

b) Waratah Strata Management did not include a copy of the records kept for the preceding 12 months in the agenda.

c) Since 1 February 2017, Waratah Strata Management did not publish on their website a single quote for any work in the complex:

Oct 24 17:44

www.lookatmystrata.com.au/187035/maintenance

# WARATAH Strata Management

CONTACT FAQ CHANGE PASSWORD LOGOUT

OWNERS CORPORATION PORTFOLIO REPORTS MEETINGS DOCUMENTS MAINTENANCE

Strata Plan 52948

Work Orders Quotes

Open Quotes

Date	Status	Job Summary	No
No quotes to display			

Results: 1 - 0 / 0 Page 1 / 0 Show rows 10

Closed Quotes

Date	Status	Job Summary	No
No quotes to display			

Results: 1 - 0 / 0 Page 1 / 0 Show rows 10

d) Since 1 February 2017 until 26 October 2023, Waratah Strata Management published only 177 documents on their website, with many crucial ones missing:

Oct 26 20:05

www.lookatmystrata.com.au/187035/documents

# WARATAH Strata Management

CONTACT FAQ CHANGE PASSWORD LOGOUT

OWNERS CORPORATION PORTFOLIO REPORTS MEETINGS DOCUMENTS MAINTENANCE

Strata Plan 52948

Enter Keyword

Document Type	Creditor	Description	Date
MINUTE BOOK			05/10/2023
Insurance Policy			21/09/2023
Levy Notice		November 2023	21/09/2023
MINUTE BOOK			12/09/2023
MINUTE BOOK			01/09/2023
MINUTE BOOK			17/08/2023
Bank Statements			17/08/2023
MINUTE BOOK			03/08/2023
Levy Notice		August 2023	16/06/2023
CORRESPONDENCE			15/06/2023

Results: 1 - 10 / 177 Page 1 / 18 Show rows 10

e) As of 26 October 2023, Waratah Strata Management had 13 Open Work Orders, of which some go back to 2017:

Oct 26 20:06

www.lookatmystrata.com.au/187035/maintenance

# WARATAH Strata Management

CONTACT FAQ CHANGE PASSWORD LOGOUT

OWNERS CORPORATION PORTFOLIO REPORTS MEETINGS DOCUMENTS MAINTENANCE

Strata Plan 52948

Work Orders Quotes

Open Work Orders

Date	Status	Job Summary	No
14/03/2023	Sent	Abloy Keys	14381
28/05/2021	Sent	Replace FIP batteries	9988
03/12/2020	Sent	Lot 158 Sunroom Leak	8888
01/12/2020	Sent	Inspect A & B Block sun room window frames	8869
01/12/2020	Sent	Inspect C & D Block sun room window frames.	8870
09/07/2020	Sent	Smoke detector for Unit 148 - Eagle Fire	7939
25/06/2020	Sent	Quote accepted for fire services - Flame Safe	7834
04/08/2017	Sent	Replace conduit brackets	4026
05/06/2017	Sent	Repair planter boxes	3758
12/05/2017	Sent	Th's 194-198 - Replace damaged gutters	3672

Results: 1 - 10 / 13 Page 1 / 2 Show rows 10

Oct 18 19:51

www.lookatmystrata.com.au/187035/maintenance

# WARATAH Strata Management

CONTACT FAQ CHANGE PASSWORD LOGOUT

OWNERS CORPORATION PORTFOLIO REPORTS MEETINGS DOCUMENTS MAINTENANCE

Strata Plan 52948

Work Orders Quotes

Open Work Orders

Date	Status	Job Summary	No
08/03/2017	Sent	TH214 - Repair sliding door leak	3401
03/03/2017	Sent	Th 217 - Seal window leak	3380
07/02/2017	Sent	Unit 81 - Replace window winders	3293

Results: 11 - 13 / 13 Page 2 / 2 Show rows 10

Explanatory notes:

Motion is designed to raise awareness of continuous risks due to lack of proper assessment of work done by strata manager.

**Motion: AGM 2023 confirmed in Motion 14.1 that data on Strata Hub was corrupt**

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

- a) In Motion 14.1 for AGM 2023 agenda, owners were asked to consider compliance with Strata Hub requirements.
- b) Initially, all NSW strata schemes had to submit their first report at Strata Hub by the end of December 2022, which Waratah Strata Management and SP52948 did not comply with.
- c) Government extended the deadline to 30 June 2023, and Waratah Strata Management completed it on 2 May 2023, as shown by these financial records (questions will be asked about exact nature of additional charges at hourly rate and its numbers on the same day were not answered by Waratah Strata Management):

<b>Admin--Management Fees--Additional Charges</b>		<b>154100</b>				
02/12/2022	Online Invoice Approval December 2022	Waratah Strata Management Pty Ltd	10.00	Paid	DE	001528
09/01/2023	Online Invoice Approval January 2023	Waratah Strata Management Pty Ltd	10.00	Paid	DE	001552
02/02/2023	Online Invoice Approval February 2023	Waratah Strata Management Pty Ltd	10.00	Paid	DE	001572
02/03/2023	Online Invoice Approval March 2023	Waratah Strata Management Pty Ltd	10.00	Paid	DE	001595
02/04/2023	Online Invoice Approval April 2023	Waratah Strata Management Pty Ltd	10.00	Paid	DE	001612
02/05/2023	Maintain Strata Hub Records May 2023	Waratah Strata Management Pty Ltd	100.00	Paid	DE	001628
02/05/2023	Online Invoice Approval May 2023	Waratah Strata Management Pty Ltd	10.00	Paid	DE	001628
02/05/2023	Strata Manager - additional charges at hourly rate	Waratah Strata Management Pty Ltd	180.00	Paid	DE	001628
02/05/2023	Strata Manager - additional charges at hourly rate	Waratah Strata Management Pty Ltd	90.00	Paid	DE	001628
02/05/2023	Strata Manager - additional charges at hourly rate	Waratah Strata Management Pty Ltd	90.00	Paid	DE	001628
02/05/2023	Strata Manager - additional charges at hourly rate	Waratah Strata Management Pty Ltd	109.09	Paid	DE	001628
02/06/2023	Strata Manager - additional charges at hourly rate	Waratah Strata Management Pty Ltd	109.09	Paid	DE	001665
02/06/2023	Online Invoice Approval June 2023	Waratah Strata Management Pty Ltd	10.00	Paid	DE	001665
02/07/2023	Online Invoice Approval July 2023	Waratah Strata Management Pty Ltd	10.00	Paid	DE	001677

- d) Strata manager had to comply with the owners corporation obligations under Part 7 Division 2 of the Strata Schemes Management Regulation 2016 by inputting the mandatory information into the NSW Strata Hub, but ignored Lot 158 concerns seven times to explain these wrong dates of last AGM in 2022:

[Waratah Strata Management warned about SP52948 insurance risks, safety, financial health \(bankruptcy risk\), and non-compliance with laws on 8 June 2023](#)

[Waratah Strata Management warned about SP52948 insurance risks, safety, financial health \(bankruptcy risk\), and non-compliance with laws - part 2 on 19 June 2023](#)

[Waratah Strata Management warned about SP52948 insurance risks, safety, financial health \(bankruptcy risk\), and non-compliance with laws - part 3 on 19 July 2023](#)

[Waratah Strata Management warned about SP52948 insurance risks, safety, financial health \(bankruptcy risk\), and non-compliance with laws - part 4 on 18 August 2023](#)

[Waratah Strata Management warned about SP52948 insurance risks, safety, financial health \(bankruptcy risk\), and non-compliance with laws - part 5 on 12 September 2023](#)

[Waratah Strata Management warned about SP52948 insurance risks, safety, financial health \(bankruptcy risk\), and non-compliance with laws - part 6 on 13 September 2023](#)

[Waratah Strata Management warned about SP52948 insurance risks, safety, financial health \(bankruptcy risk\), and non-compliance with laws - part 7 on 26 September 2023](#)

- e) Waratah Strata Management disabled Lot 158 Motions about Strata Hub at AGM 2023.

- f) At AGM 2023, Mr. Robert Crosbie orally stated that data at Strata Hub was corrupt and that it was a known issue, without offering evidence to support such statement.

Explanatory notes:

Motion is designed to raise awareness of importance of Strata Hub updates.

**Motion: AGM 2023 did not allow discussion in Motion 14.5 on GIPA application**

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

- a) In Motion 14.5 for AGM 2023 agenda, owners were asked to consider GIPA application.
- b) Waratah Strata Management did not allow discussion on this Motion.
- c) Waratah Strata Management prevented owners from having Lot 158 information that Waratah Strata Management and committee members wanted owners to approve the strata manager to lodge a GIPA application to the relevant Authority to obtain a copy of any interim and final occupation certificates for the property. Waratah Strata Management claimed that inspection of the SP52948 books and records indicated that they did not have one and the building was approved after 1 July 1998 (approx. SP57500 onwards) after which occupation certificates were issued for strata buildings. These statements were false and designed to mislead owners:
  - [SP52948 was registered on 11 July 1996 \(with number of changes soon afterwards\)](#)
  - [Waratah Strata Management refused to notify owners about critical issues including Fair Trading Mediation and expired strata management contract on 25 March 2020](#)
  - [Waratah Strata Management was warned about SP52948 non-compliance with GIPA certificates and Residential Tenancy Act 1987 on 26 March 2020, and strata manager ignored it since then, creating high insurance and safety risks \(due to ongoing fire and OH&S safety problems\)](#)
  - Lot 158 has copies of "Development Consent 288 of 1994.pdf" and "Development consent A288 of 1994.pdf" since 27 February 2020, which were provided to Waratah Strata Management, six committee members, and Solicitor Adrian Mueller in NCAT case SC 20/33352 but they ignored it as it would be detrimental to their defence at the Tribunal.

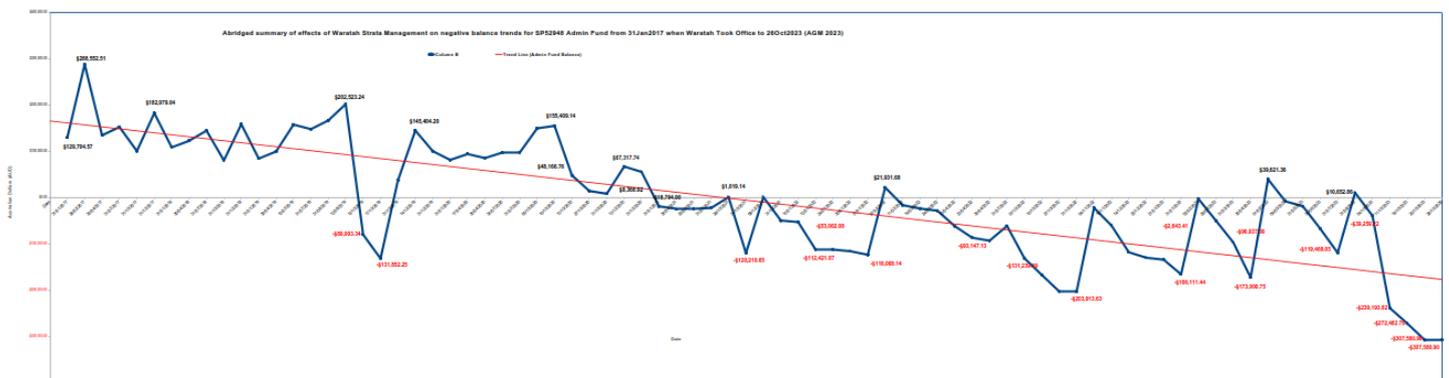
Explanatory notes:

Motion is designed to raise awareness of lack of record keeping by Waratah Strata Management and inability to maintain correct data for owners corporation.

**Motion: AGM 2023 did not allow full discussion in Motion 15 limits on spending by large schemes**

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

- a) In Motion 15 for AGM 2023 agenda, Waratah Strata Management and committee members wanted owners to approve removal of limitation imposed by section 102(2) of the Strata Schemes Management Act 2015 generally or in relation to any particular item.
- b) Waratah Strata Management did not allow full discussion and disclosure on this Motion.
- c) Waratah Strata Management and committee members have concerning record of managing the complex and finance of SP52948, where negative balance in Admin Fund reached \$307,580.90 on 26 October 2023 without disclosure to owners:



- d) Waratah Strata Management prevented owners from having this information:

[Long-term negative trends in Capital Works and Admin Funds, for which strata manager and committee members are exclusively and solely responsible for](#)

[Waratah Strata Management prevented Lot 158 from being member of the committee whilst allowing unfinancial owners to vote and be elected \(unpaid gas heating levies: Mr. Moses Levitt, Mr. Stan Pogorelsky, Mrs. Lorna Zelenzuk, Mrs. Marianna Paltikian\)](#)

[BCS Strata Management, previous strata agency for SP52948, abused this legal requirement multiple times](#)

e) Waratah Strata Management prevented owners from having this information:

There is no business justification for allowing expenditures without proper consultation with the owners corporation. Due to lack of SSMA 1996 S80A, the Executive Committee at Macquarie Gardens ran number of projects without any review by the owners, spent excessive amount of money (sometimes secretly and without disclosure), and even failed to obtain additional quotations for works on number of occasions (contracts management is one example of very serious financial mismanagement and lack of planning). For three years, a concerned owner was trying to rescind the decision made in 2005 so that strata complex enforced compliance with the Strata Management Acts 1996, Division 3, Section 80A (1), which most other complexes use successfully for many years. The Explanatory Notes for owner's motions were deliberately excluded from the agenda at three AGMs by BCS Strata Management.

[SP52948-concise-version-for-12-major-events-related-to-strata-mismanagement-reference-9125004-ignored-by-Fair-Trading-NSW-29Apr2018](#)

f) Waratah Strata Management prevented owners from having this information:

Owners corporation of a large strata scheme must include in the estimates at an annual general meeting specific amounts in relation to each item or matter on which the owners corporation intends to expend money, or on which the owners corporation is aware money will be likely to be expended, in the period until the next annual general meeting. It is done by taking into account a statement of the existing financial situation of the strata scheme and an estimate of receipts and payments. If the error margin is not more than 10%, the Act includes provisions to cover this case without any special actions by the owners corporation: This section does not apply to expenditure for emergency purposes, including (but not limited to) the following:

- 1) burst or blocked water or sewerage pipes,
- 2) serious damage caused by fire or storm or any other natural disaster,
- 3) unexpected electrical or security system failure,
- 4) glass breakages that affect the security of any building in the strata scheme or could result in damage to the inside of any such building.

Explanatory notes:

Motion is designed to raise awareness of risk of allowing unchecked expenditures without proper planning.

**Motion: AGM 2023 did not allow discussion in Motion 16 on Administration and Maintenance**

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

- a) In Motion 16 for AGM 2023 agenda, Waratah Strata Management and committee members wanted to discuss repairs and maintenance.
- b) Waratah Strata Management did not allow any discussion and disclosure on this Motion.
- c) Building defects rectification was not presented in the agenda.
- d) Estimates must include specific amounts in relation to each item or matter on which owners corporation intended to spend money, or on which owners corporation is aware money would be likely spent in the period until next general meeting. Agenda was not detailed, as required by SSMA 2015 (documents necessary to fully inform owner in regards to motions on the agenda).
- e) Did not include full details of 10-Year Capital Works Plan, in spite of advance notice of flaws with the plan:

[SP52948-discrepancies-in-BIV-report-for-10-Capital-Works-Fund-in-2017-and-2021](#)

Preparing estimates for budgets at an AGM (section 79 of Strata Schemes Management Act 2015: must note any difference between the 10-year plan and these estimates and the reason for the difference.

Explanatory notes:

Motion is designed to raise awareness of lack of planning of complex management and repairs.

**Motion: Confirm 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 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.

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 with 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 on 8 August 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 on 9 February 2021 (it was related to window frame being blown by strong winds from level 7 in sunroom of Block A Lot 190 on 30 November 2020):

### Details of Claims processed

Claim Date	Amount Claimed	Claim Status	Amount Received
Insurance Type		Excess Details	
09/02/2021 Building	13,497.00	Refused	0.00

h) In FY 2021, 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:

#### Maint Bldg--Insurance Repairs &/or Excess 169400

07/12/2020	U190 Replace Storm Damaged Balcony Facade	Palmers Glass & Carpentry Pty Ltd	11,000.00	Paid	DE	00073820	000995
12/01/2021	U190 Install Safety Rail	W & M Gordon Property Management	280.00	Paid	DE	2	001023
12/01/2021	U190 Install Temporary Ballustrade	Macquarie Maintenance Services	290.00	Paid	DE	1045	001019
12/01/2021	U190 Remove Temporary Ballustrade	Macquarie Maintenance Services	60.00	Paid	DE	1060	001019
22/01/2021	U190 Sunroom Ceiling	Macquarie Maintenance Services	640.00	Paid	DE	1071	001029
07/06/2021	U's 45 & 100 Water Damage Repairs (Below Excess)	Man & His Tools	3,620.00	Paid	DE	1851	001145
			<b>\$15,890.00</b>				

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

[SP52948-scanned-submission-with-Statutory-Declaration-Lot-158-SCS-13-50737-18Dec2013.pdf](#)

[District-Court-case-13-360456-Lot-158-Affidavit-ignored-by-Solicitor-Adrian-Mueller-4Feb2014.pdf](#)

[SP52948-statutory-declaration-for-NCAT-case-20-33352-which-Waratah-Strata-Management-refused-to-provide-to-owners-Aug2020.pdf](#)

[SP52948-six-versions-of-Solicitor-Adrian-Mueller-alleged-legal-costs-in-NCAT-case-SC-20-33352.html](#)

[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](#)

[Submission-to-Supreme-Court-CAS006791\\_1-Questions-on-Validity-of-Solicitor-Adrian-Mueller-Legal-Cost-Items-NCAT-20-33352.pdf](#)

[Tribunal-ignored-voluminous-concerns-and-irrefutable-evidence-of-repetitive-misconduct-of-Solicitor-Adrian-Mueller-in-NCAT-case-20-33352-Apr2021.pdf](#)

[SP52948-premeditated-plan-by-Solicitor-Adrian-Mueller-to-prevent-Applicant-Motions-and-disallow-owners-to-vote-at-AGM-2017.pdf](#)

[SP52948-premeditated-plan-by-Solicitor-Adrian-Mueller-to-prevent-Applicant-Motions-and-disallow-owners-to-vote-at-AGM-2018.pdf](#)

[Brief-evidence-of-Solicitor-Adrian-Mueller-involvement-in-fraudulent-activities-in-CTTT-case-SCS-12\\_50460.pdf](#)

[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 investigations about 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 9<sup>th</sup> 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 19<sup>th</sup> 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 21<sup>st</sup> 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 19<sup>th</sup> 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

P 02 9562 1266  
F 02 9567 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: Confirm trends for SP52948 Admin Fund negative balances from 31 January 2017 when Waratah Strata Management took office to Annual General Meeting on 26 October 2023**

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms 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:

[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**

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

c) On 26 October 2023 (day of Annual General Meeting), negative balance in Admin Fund amounted to \$307,580.90, which Waratah Strata Management Director Mr. Robert Crosbie did not want to admit at the general meeting:

190200	Utility--Electricity	17,860.16	49,171.97
190400	Utility--Gas	0.00	27,768.79
191200	Utility--Water & Sewerage	28,082.24	100,993.06

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

**Administrative Fund**

	<b>Current period</b> 01/09/2023-26/10/2023	<b>Previous year</b> 01/09/2022-31/08/2023
<i>Total expenses</i>	318,600.40	898,866.80
<b>Surplus/Deficit</b>	(318,233.76)	(65,148.09)
Opening balance	10,652.86	75,800.95
<b>Closing balance</b>	<b><u><u>-\$307,580.90</u></u></b>	<b><u><u>\$10,652.86</u></u></b>

d) 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>	<u>284,771.25</u>	<u>802,734.45</u>
	<b>Surplus/Deficit</b>	<u>(279,715.80)</u>	<u>(34,757.74)</u>
	Opening balance	75,800.95	110,558.69
	<b>Closing balance</b>	<u><b>-\$203,914.85</b></u>	<u><b>\$75,800.95</b></u>

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

[SP52948-financials/SP52948-Balance-Sheet-31Jan2017.pdf](#)

f) 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:

- MINUTES**  
Resolved that the minutes of the previous strata committee meeting be confirmed as a true record of the proceedings of that meeting.
- 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.

g) 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

[SP52948-financials/SP52948-Balance-Sheet-as-at-31Jan2021.pdf](#)

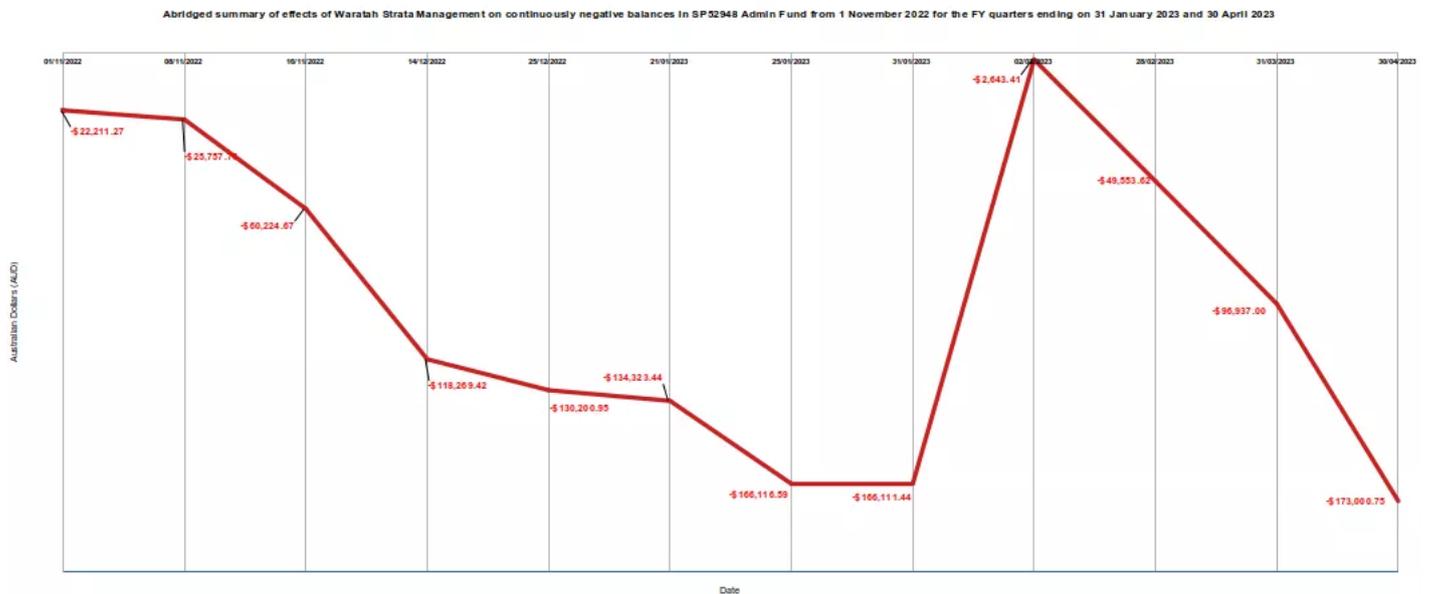
[SP52948-financials/SP52948-Balance-Sheet-30Apr2021.pdf](#)

[SP52948-Balance-Sheet-as-at-31Jul2021.pdf](#)

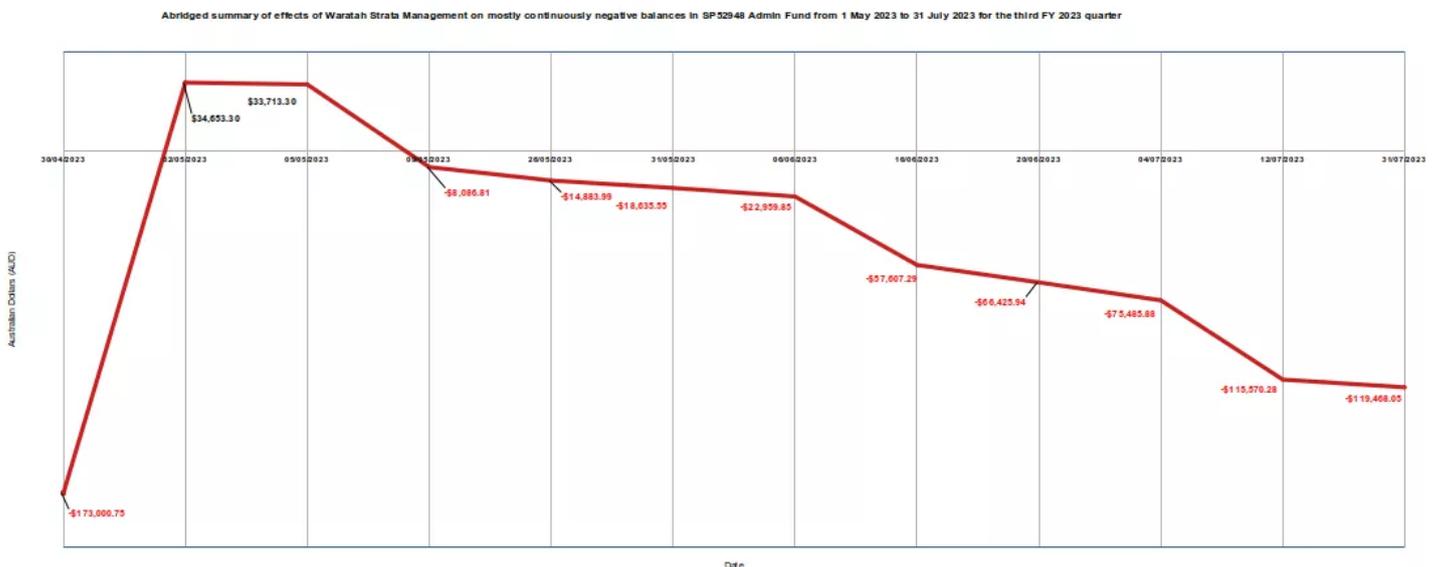
h) On 31 August 2023, positive balance in Admin Fund was \$10,652.86. Three different versions of Admin Fund balance exist for 31 August 2023: \$18,759.11 in report on 31 August 2023, \$14,903.11 in report on 6 September 2023, and \$10,652.86 in report on 16 September 2023.

[SP52948-three-different-versions-Admin-Fund-balance-31Aug2023.png](#)

i) 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):

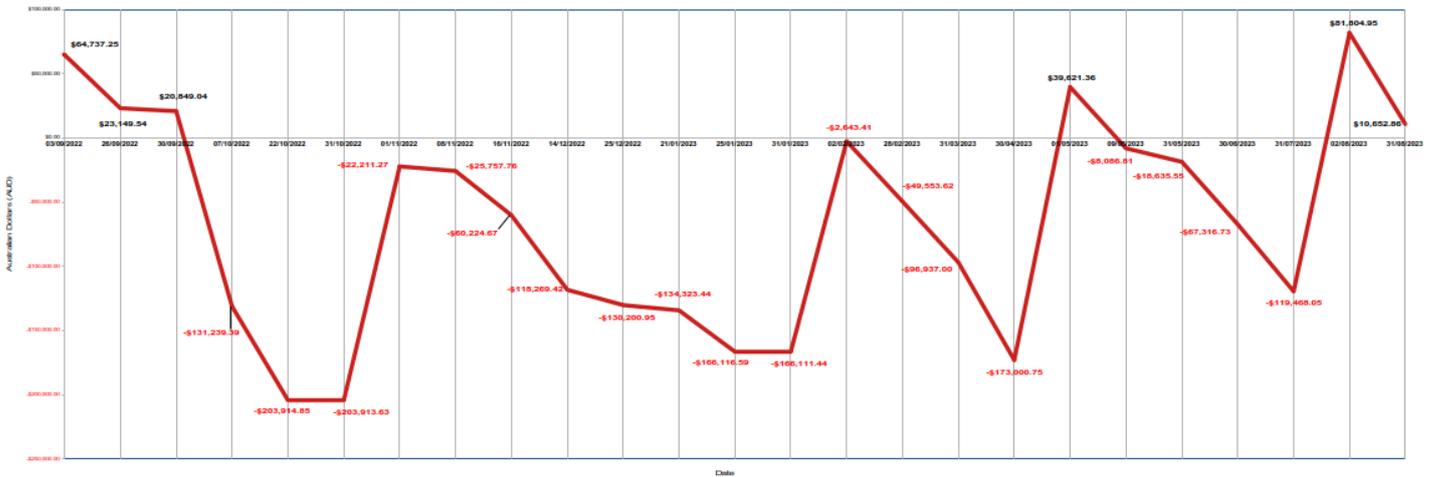


j) For first time in history of strata complex SP52948, Admin Fund had almost continuous negative balance in third FY 2023 quarter (1 May 2023 to 31 July 2023):

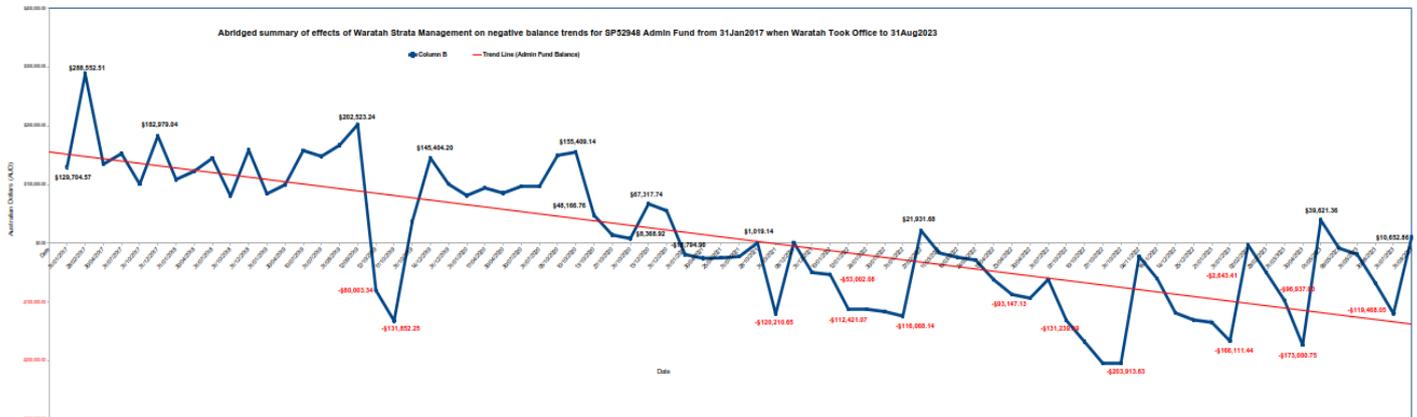


k) SP52948 Admin Fund had almost continuous negative balance in whole FY 2023 (1 September 2022 to 31 August 2023):

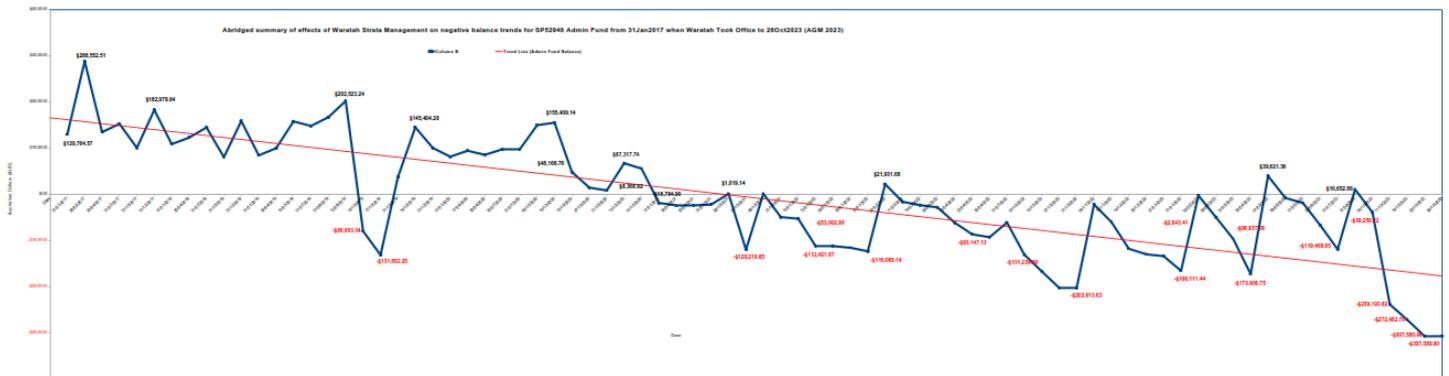
Abridged summary of effects of Waratah Strata Management on mostly continuously negative balances in SP52948 Admin Fund from 1 November 2022 to 31 August 2023 (FY 2023)



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



m) Graph of Admin Fund balances since 1 February 2017 when Waratah Strata Management took office to AGM 2023 on 26 October 2023:



p) 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.

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

[SP52948-negative-trends-with-Admin-Fund-under-Waratah-Strata-Management.html](#)

[SP52948-financials](#)

Explanatory notes:

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

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

The Owners Corporation SP52948 by ORDINARY RESOLUTION 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.

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) At AGM 2023, there was no discussion for 10-Year Capital Works Fund. Preparing estimates for budgets at an AGM - Section 79 of Strata Schemes Management Act 2015: must note any difference between the 10-year plan and these estimates and the reason for the difference.

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

[SP52948-Leary-and-Partners-Sinking-Fund-Plan-May1998-undisclosed-to-owners.pdf](#)

[SP52948-MSA-Sinking-Fund-Plan-Aug2010-undisclosed-to-owners-until-October-2016.pdf](#)

[SP52948-BIV-report-Capital-Works-Fund-Mar2017.pdf](#)

[SP52948-BIV-report-Capital-Works-Fund-6Oct2021.pdf](#)

e) 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.

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

[SP52948-continuous-delays-with-fire-and-OHS-problems.html](#)

[SP52948-ongoing-maintenance-problems-mostly-ignored-by-Waratah-Strata-Management.html](#)

[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: Confirm SP52948 levy growths for Lot with Entitlement 47.00 from 1998 to 2023**

The Owners Corporation SP52948 by ORDINARY RESOLUTION 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:

[SP52948-Motions-by-Lot-158-AGM-2023-public.pdf](#)

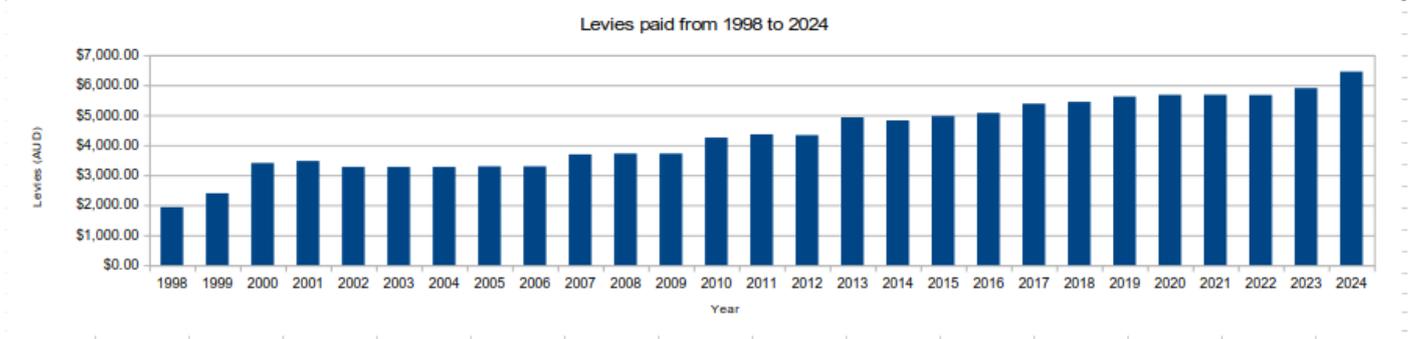
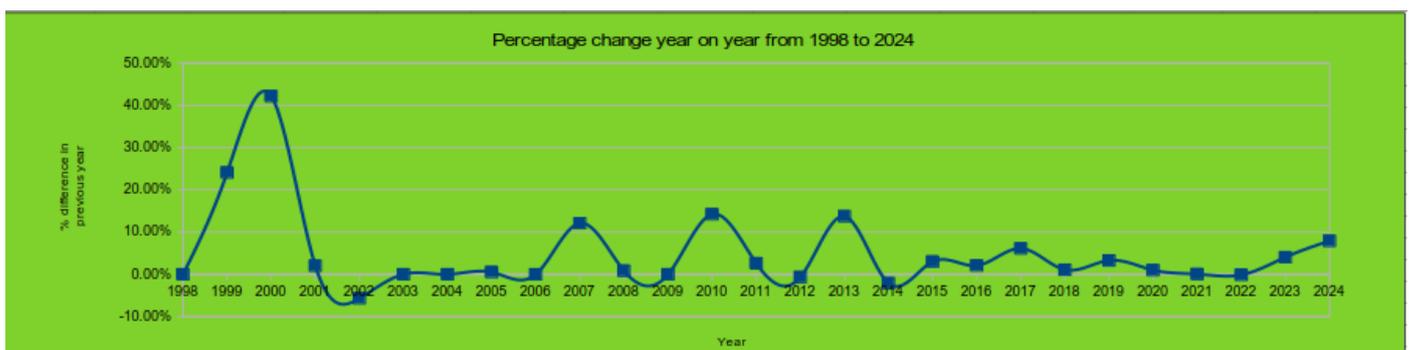
b) Lot 158 notified committee members about risks due to poor planning of levies, with official Federal Court statistics about strata bankruptcy filings as a percentage of total bankruptcy filings amount to 18% in NSW in 2022:

[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
2024	7.91%	\$6,444.40



Explanatory notes:

Motion is designed to raise awareness of SP52948 levies.

**Motion: Confirm SP52948 complex underinsurance for catastrophic events, massively increased cover for loss of rent/temporary accommodation in FY 2023 and then decreased it in FY 2024**

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirm 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.

b) Waratah Strata Management renewed insurance for SP52948 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 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) Waratah Strata Management renewed insurance for SP52948 by keeping insured sum for catastrophe to \$21,982,500.00 in FY 2024.

e) Waratah Strata Management renewed insurance for SP52948 by decreasing insured sum for loss of rent and temporary accommodation from \$43,965,000.00 in FY 2023 to \$21,982,500.00 in FY 2024.

f) Details of insurance policy:

[SP52948-underinsured-large-strata-complex-for-catastrophe-events-FY-2023.pdf](#)

[SP52948-insurance-policy-published-17Oct2023-and-backdated-to-21Sep2023.pdf](#)

Explanatory notes:

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

**Motion: Confirm SP52948 complex valued at \$146,550,000.00 was uninsured for five days on 26 September 2022 for FY 2023**

The Owners Corporation SP52948 by ORDINARY RESOLUTION 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.

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:

[SP52948-overdue-payment-insurance-policy-Sep2022.pdf](#)

[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:

[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:

[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:

[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):

[SP52948-Insurance-Policy-7Oct2022.pdf](#)

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

[SP52948-expired-insurance-on-21Sep2023-not-renewed-as-of-8Oct2023.pdf](#)

h) Waratah Strata Management published FY 2024 insurance policy on 17 October 2023 and backdated on their website to 21 September 2023:

Example of how Waratah Strata Management forged date of published SP52948 insurance policy for FY 2024

It was not sent in agenda for Annual General Meeting on 5 October 2023 and not published on Waratah Strata Management website until 17 October 2023

Screenshot taken on Waratah Strata website on 16 October 2023  
No Insurance Policy published

Document Type	Creditor	Description	Date
MINUTE BOOK			05/10/2023
Ley Notice		November 2023	21/09/2023
MINUTE BOOK			12/09/2023
MINUTE BOOK			01/09/2023
MINUTE BOOK			17/08/2023
Bank Statements			17/08/2023
MINUTE BOOK			03/08/2023
Ley Notice		August 2023	16/06/2023
CORRESPONDENCE			15/06/2023
MINUTE BOOK			08/06/2023

Screenshot taken on Waratah Strata website on 17 October 2023  
Insurance Policy published and "backdated" to 21 September 2023

Document Type	Creditor	Description	Date
MINUTE BOOK			05/10/2023
Insurance Policy			21/09/2023
Ley Notice		November 2023	21/09/2023
MINUTE BOOK			12/09/2023
MINUTE BOOK			01/09/2023
MINUTE BOOK			17/08/2023
Bank Statements			17/08/2023
MINUTE BOOK			03/08/2023
Ley Notice		August 2023	16/06/2023
CORRESPONDENCE			15/06/2023

Explanatory notes:

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

**Motion: Confirm 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 confirms the following events:

- 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.
- 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".
- 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)

[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, repoint 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:

[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:

[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: Confirm Waratah Strata Management acts to not disclose SP52948 insurance excesses to owners**

The Owners Corporation SP52948 by ORDINARY RESOLUTION 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:

[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:**

		For each claim or series of claims during a period of 72 hours for loss or damage caused by Earthquake or Tsunami:	
SECTION 1	Earthquake	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 on 26 October 2023 - strata manager was Waratah Strata Management.
- n) Evidence from strata files:

Explanatory notes:

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

**Motion: Confirm 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 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.

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:

[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:

[SP52948-Lot-151-new-colorbond-door-installed-on-common-property-without-approval-10Jan2022.png](#)

[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).

[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:

[SP52948-waratahstrata.com.au-website-Documents-folder-page-1-11Sep2023.png](#)

[SP52948-waratahstrata.com.au-website-Documents-folder-page-2-11Sep2023.png](#)

[SP52948-waratahstrata.com.au-website-Documents-folder-page-2-11Sep2023.png](#)

[SP52948-waratahstrata.com.au-website-Documents-folder-page-4-11Sep2023.png](#)

[SP52948-waratahstrata.com.au-website-Documents-folder-page-5-11Sep2023.png](#)

[SP52948-waratahstrata.com.au-website-Documents-folder-page-6-11Sep2023.png](#)

[SP52948-waratahstrata.com.au-website-Documents-folder-page-7-11Sep2023.png](#)

[SP52948-waratahstrata.com.au-website-Documents-folder-page-8-11Sep2023.png](#)

[SP52948-waratahstrata.com.au-website-Documents-folder-page-9-11Sep2023.png](#)

[SP52948-waratahstrata.com.au-website-Documents-folder-page-10-11Sep2023.png](#)

[SP52948-waratahstrata.com.au-website-Documents-folder-page-11-11Sep2023.png](#)

[SP52948-waratahstrata.com.au-website-Documents-folder-page-12-11Sep2023.png](#)

[SP52948-waratahstrata.com.au-website-Documents-folder-page-13-11Sep2023.png](#)

[SP52948-waratahstrata.com.au-website-Documents-folder-page-14-11Sep2023.png](#)

[SP52948-waratahstrata.com.au-website-Documents-folder-page-15-11Sep2023.png](#)

[SP52948-waratahstrata.com.au-website-Documents-folder-page-16-11Sep2023.png](#)

[SP52948-waratahstrata.com.au-website-Documents-folder-page-17-11Sep2023.png](#)

[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):

[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: Confirm events in relation to missing register of items excluded from common property with updates in 2023 and issue order to Waratah Strata Management to prepare options for making such owners responsible for maintaining it**

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

a) 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.

b) Owners corporation makes an order to Waratah Strata Management to prepare options for making owners responsible for maintaining common property they acquired without special resolution of special by-law.

Options include:

- Strata Plan of Subdivision. Transfer of common property to a lot owner (if an owner's corporation wants to transfer part of common property to an owner so that their lot is extended to incorporate this area a plan defining the new lot and the remainder of common property must be registered with NSW LRS). A registered surveyor must be engaged to prepare a Strata Plan of Subdivision for registration with NSW LRS.
- Exclusive Use – Common Property Rights by-law.

c) Owners corporation can make a common property rights by-law that transfers its responsibility for the repair of a particular item of common property to one or more owners. The by-law needs to be approved by a special resolution at a general meeting (by-law also needs to be approved by the owners who will be responsible for repairing the item of common property under the by-law).

d) Owners corporation makes an order to Waratah Strata Management to update the register of approvals at least once a year (if applicable) and make it available via strata management's web site free of charge.

e) 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.

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 committee meeting on 2 May 2001 to keep register of approvals granted to owners:

[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) Under the Strata Schemes Management Act 2015 in NSW, strata committee cannot make additions or changes to common property without owners corporation approval. This needs to be done by passing a special resolution at a general meeting and through majority owners vote.

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

[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:

[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: Confirm events in relation to missing common property (timber) behind townhouses and outstanding repairs of fence behind townhouses**

The Owners Corporation SP52948 by ORDINARY RESOLUTION 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.

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

[SUMMARY-reported-to-Waratah-Strata-Management-SP52948-repeated-and-new-issues-behind-townhouses-7Oct2019.html](#)

[SP52948-REQUEST-FOR-MAINTENANCE-Wooden-fence-behind-townhouses-on-7Jul2020.html](#)

[SP52948-failed-maintenance-wooden-fence-behind-townhouses-2Feb2021.html](#)

[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:

[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:

[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:

[SP52948-inquiry-about-disappeared-timber-behind-townhouses-14Nov2021.html](#)

f) 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.

**Motion: Confirm that Waratah Strata Management and Uniqueco Property Services prevented Lot 158 access to CCTV recordings for Police Events nine times**

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

a) 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 maintenance staff (even Police did not get access to them).

Examples:

[SP52948-Example-of-preventing-access-to-CCTV-recording-as-evidence-in-Police-event-dated-11Aug2019.html](#)

[SP52948-Waratah-Strata-Management-allowed-CCTV-evidence-to-be-overwritten-23Jul2020.html](#)

[SP52948-reminder-to-Waratah-Strata-Management-about-failures-to-provide-CCTV-recordings-6Apr2023.html](#)

[SP52948-Waratah-Strata-Management-ignored-request-for-CCTV-retention-in-Police-Event-E95762188-on-13Apr2023.html](#)

b) Document search on 8 June 2022 found secret email from Uniqueco Property Services to Waratah Strata Management, showing determination to prevent Lot 158 from accessing common property (CCTV recording) that is owned by owners corporation, not temporary building manager:

[SP52948-secret-email-with-refusal-by-Uniqueco-Property-Services-to-provide-access-to-CCTV-for-security-related-incident-22Oct2020](#)

The screenshot shows an email client interface. The email is from Uniqueco Pty Ltd to Robert Crosbie, dated 22/10/2020. The subject is "Re: REQUEST TO PROVIDE COPIES OF TWO CCTV RECORDINGS: SP52948 events on 17 and 18Oct2020".

The email body contains the following text:

Our contract DOES NOT mention giving access to CCTV footage or downloading copies for owners. This may need to be teased and discussed at a later date with the EC.

OUR CONTRACT:

5.6 states that - Covert video surveillance by way of CCTV cameras ... such legal action or legal proceedings as a consequence of any alleged unlawful activity.

The Contractor will maintain CCTV footage for a reasonable periods of time (14 days) ... NO COPY ON USB AND GIVE TO OWNERS IS MENTIONED ANYWHERE!

25. Caretaking Services - is in reference to ensuring all occupants observe the by-laws ...

26. Monitor the use of common property facilities ...

NO MENTION OF CCTV FOOTAGE ETC.

We will contact security and inform them that Lot 158 is not allowed into the office to view footage etc. Lot 158 must contact Steve - which he won't be doing!

Good luck with the AGM tonight.

Kind regards,

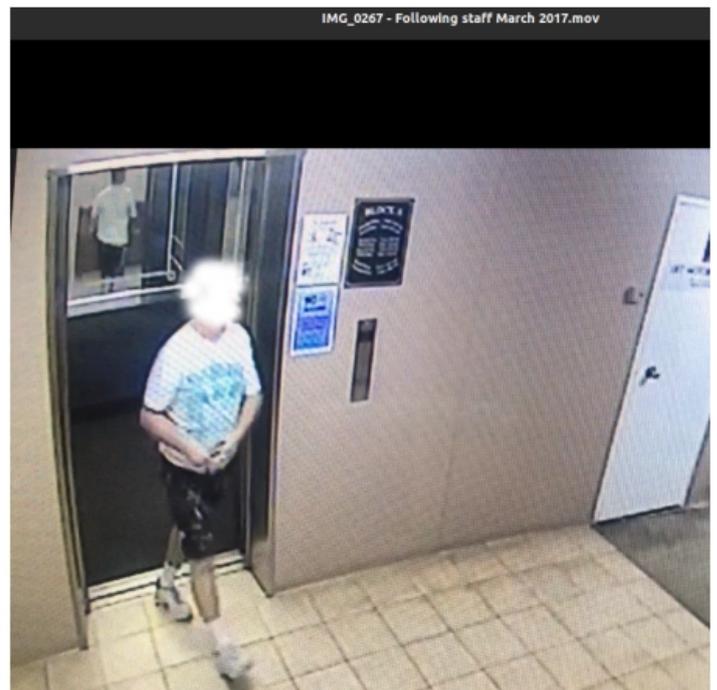
Sandra Carbone  
Admin  
Uniqueco Pty Ltd

Below the email body is a "List Tool" table:

Date	Doc Type	Plan Number	Address	Manager	Notes	Show on Portals	Portal D
1/11/2020	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fortenoy Road, Macquarie Park, NSW 2113	Stuart Greene	Caretakers Report		
30/10/2020	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fortenoy Road, Macquarie Park, NSW 2113	Stuart Greene	Animals By-Law		
29/10/2020	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fortenoy Road, Macquarie Park, NSW 2113	Stuart Greene	Lot 175 Dog		
29/10/2020	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fortenoy Road, Macquarie Park, NSW 2113	Stuart Greene	Lot 193 air conditioner		
29/10/2020	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fortenoy Road, Macquarie Park, NSW 2113	Stuart Greene	Lot 177 levy query		
28/10/2020	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fortenoy Road, Macquarie Park, NSW 2113	Stuart Greene	Lot 175 Dog		
28/10/2020	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fortenoy Road, Macquarie Park, NSW 2113	Stuart Greene	Lot 175 Dog		
27/10/2020	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fortenoy Road, Macquarie Park, NSW 2113	Stuart Greene	UNIT 115 AIR CONDITIONER	Executive	
22/10/2020	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fortenoy Road, Macquarie Park, NSW 2113	Stuart Greene	Lot 158 Defamation Letter		
22/10/2020	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fortenoy Road, Macquarie Park, NSW 2113	Stuart Greene	Lot 158 CCTV		
22/10/2020	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fortenoy Road, Macquarie Park, NSW 2113	Stuart Greene	Lot 158 CCTV		

c) Uniqueco Property Services staff uploaded video titled "IMG\_0267 - Following staff March 2017.mov" into public cloud on internet on 11 August 2019 (and kept it online for two years), without owners corporation approval, or approval of owners in question (the event happened in 2017 and maintenance staff failed to produce it to Police and Lot 158 when requested in 2017). The video confirmed that staff member was not on duty on that day in 2017 as they were not wearing uniform:

The screenshot shows an iCloud attachment page for a video file. The file name is "IMG\_0267 - Following staff March 2017.mov" and its size is 38 MB. The page indicates that the file was uploaded by the sender using Mail Drop. A "Download" button is visible at the bottom.



d) Waratah Strata Management even deleted one of the Lot 158 emails about stalking sent on 11 August 2019, without reading it one year and seven months later on 22 March 2021:

[Waratah-Strata-Management-Stuart-Greene-deleted-SP52948-owner-email-without-reading-What-is-Stalking-22Mar2021.html](https://www.waratahstrata.com.au/2021/03/22/waratah-strata-management-stuart-greene-deleted-sp52948-owner-email-without-reading-what-is-stalking-22mar2021.html)

e) SP52948 does not have a by-law covering CCTV:

- who has access to footage
- where the footage is kept
- how it is kept (is it securely held?)
- the process for obtaining access to the footage
- necessary services agreements required to install, maintain and operate the CCTV system.
- Are staff of building manager and any other contractors with potential access to CCTV Police-checked.

f) On 12 February 2021, Lot 158 sent an email to Waratah Strata Management about owners whose property was stolen. Subject line of the email was "SUMMARY - SP52948 Increased incidence of missing parcels – 12Feb2021".

The email said:

*It appears CCTV recordings are either not being properly used or set up to help with security events in the complex.*

*Apart from well-known incidences with stalking and harassment, just in last three months notice boards reported three missing parcels (could be more but they are not reported on notice boards or elevators):*

*Lot 153 on 10 February 2021*

*Lot 177 on 12 December 2020*

*Unknown tenant on 1 December 2020*

*Attachments also show examples of repetitive problems with letterboxes in the past years.*

*One would normally expect that support staff would review the CCTV footage as soon as problem is reported. In case of Lot 177 (which we personally checked), after Mr. Michael got no updates from anyone (his message on notice board was put by Uniqueco Property Services and they were fully aware of the incident), he eventually approached Uniqueco Property Management staff who told him that the CCTV recording "expired" in the meantime...*

Waratah Strata Management never responded to Lot 158.

g) As a rule of thumb, all owners should be able to access the footage if required for valid reason as it is part of common property they pay levies for.

h) Owners can vote on CCTV camera locations to ensure the majority is comfortable with where they will be installed.

i) Owners have the right to object to CCTV cameras' installation and can vote against them if they wish.

j) Cameras pointed at pools highlight the issue of who can watch stored CCTV footage. Children may just be having fun in their swimmers, but could the images be available to people with nefarious intentions?

Explanatory notes:

Motion is designed to raise awareness of continuous problems with CCTV, privacy issues, and safety of all occupants.