

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

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

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

Meeting Details	Calculation of delivery
Notice and minutes of EGM on 1 May 2025, adjourned for 27 May 2025, not yet justified by Bannermans Lawyers	<p>7 April 2025, agenda created at 11:11 hours, Day of Notice, postage date not included</p> <p>8 April 2025, First Working Day</p> <p>9 April 2025, Second Working Day</p> <p>10 April 2025, Third Working Day</p> <p>11 April 2025, Fourth Working Day</p> <p>12 April 2025, Saturday</p> <p>13 April 2025, Sunday</p> <p>14 April 2025, Fifth Working Day</p> <p>15 April 2025, Sixth Working Day</p> <p>16 April 2025, Seventh Working Day, notice effective</p> <p>17 April 2025, First Notice Day</p> <p>18 April 2025 Second Notice Day</p> <p>19 April 2025, Third Notice Day</p> <p>20 April 2025, Fourth Notice Day</p> <p>21 April 2025, Fifth Notice Day</p> <p>22 April 2025, Sixth Notice Day</p> <p>23 April 2025, Seventh Notice Day</p> <p>24 April 2025, Eight Notice Day</p> <p>25 April 2025, Ninth Notice Day</p> <p>26 April 2025, Tenth Notice Day</p> <p>27 April 2025, Eleventh Notice Day</p> <p>28 April 2025, Twelfth Notice Day</p> <p>29 April 2025, Thirteenth Notice Day</p> <p>30 April 2025, Fourteenth Notice Day</p> <p>1 May 2025, Date of Meeting, not counted</p>

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

WITNESS STATEMENT

I, Stan Pogorelsky, make the following statements:

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

(See attachment "**1**" common property title search for registered strata plan 52948)

(See attachment "**2**" registered by-laws for the scheme)

(See attachment "**3**" registered strata plan)

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

(See attachment "**4**" strata management agency agreement dated 27 October 2022)

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

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

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

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

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

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

Motion 8	
Notice of Directions Hearing	Ordinary Resolution Submitted by Strata Committee
<p>That the Strata Committee review the Notice of Directions Hearing and NCAT Tribunal Application, case number 2024/00454780.</p>	
MOTION RESOLVED	

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

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

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

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

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

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

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

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

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

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

2.1) As of 18 September 2025, Bannermans Lawyers failed to respond to Applicant's submission on 7 July 2025, specifically paragraph 4.7 to 4.11:

Tribunal member then pressed Mr. Pogorelsky to answer if he provided any of the nine groups of documents the Applicant requested through summonses.

In the first response, Mr. Pogorelsky claimed that he answered all Applicant's questions and the Tribunal member sharply interrupted with "I am asking you a specific question..." .

In the second response, Mr Pogorelsky said documents in the summonses were provided by Bannermans Lawyers. Tribunal member dismissed his statement, reminding him that Bannermans Lawyers did not represent him but owners corporation. Mr. Pogorelsky acknowledged it.

- *The Tribunal member asked Mr. Pogorelsky if he had the first document(s) listed in the summonses (Detailed Revenue for financial year 2017 (period from 1 September 2016 to 31 August 2017) - proof Lot 181 was financial to vote and be a committee member). Mr Pogorelsky stated that he did not have it personally.*

- The Tribunal member asked Mr. Pogorelsky if he had the second document(s) listed in the summonses (Detailed Expenses for financial year 2017 (period from 1 September 2016 to 31 August 2017) - proof Lot 181 did not receive any payments from common funds). Mr Pogorelsky stated that he did not have it personally.
- The Tribunal member asked Mr. Pogorelsky if he had the third document(s) listed in the summonses (Detailed Expenses for financial year 2025 (period from 1 September 2024 to date set by the Tribunal in NCAT case 2024/00454780 before the Hearing). Mr Pogorelsky stated that he did not have it personally.
- The Tribunal member asked Mr. Pogorelsky if he had the fourth document(s) listed in the summonses (Detailed Revenue for financial year 2025 (period from 1 September 2024 to date set by the Tribunal in NCAT case 2024/00454780 before the Hearing). Mr Pogorelsky stated that he did not have it personally.
- The Tribunal member asked Mr. Pogorelsky if he had the fifth document(s) listed in the summonses (Levy invoices for Mr. Stan Pogorelsky (Lot 181) in period from 1 February 2017 to the date set by the Tribunal in NCAT case 2024/00454780-001 before the Hearing - proof Lot 181 was financial to vote and be a committee member).

Mr Pogorelsky stated that it was answered in his summonses but the Tribunal member dismissed such statement and asked if Mr. Pogorelsky had those files or not. Mr. Pogorelsky than said: "I do have documents on that". The Tribunal member asked "And did you produce any of these documents?" where Mr. Pogorelsky answered "I did, in my summons answer".

The Tribunal then asked "And did you produce all of the documents that you hold on that particular matter?" where Mr. Pogorelsky answered "Yes".

- The Tribunal member asked Mr. Pogorelsky if he had the sixth document(s) listed in the summonses (Evidence and results of SP52948 obtaining independent legal advice in regards to Lot 158 claims of Solicitor Adrian Mueller's corruption and Lot 158 being a committee member, as recommended by the Solicitor himself in email to SP52948 representatives on 9 June 2022). The Tribunal member then changed her mind and stated that the Applicant did not have any rights to these legal documents. That was a misleading statement which did not address the issue that, if the Applicant was allegedly not allowed to access such document Mr. Pogorelsky prevented even NCAT and other 218 owners from access to such document (non-compliance with summonses). The Applicant then stated he had full rights to such documents because Mr. Pogorelsky was unfinancial and was preventing Applicant's work as committee member. The Applicant challenged the Tribunal member's statement that the Applicant was not allowed to view the document if he was a party to the legal proceedings. The Applicant said: "But the Tribunal has the right to see them. Am I right that the Tribunal has the right to view them?" and the Tribunal responded: "Whether the Tribunal views them or not is irrelevant to this claim today. You do not have the right to view them".

In Australia, legal professional privilege, which protects confidential communications between a lawyer and client, does not apply when those communications are used to further a crime or fraud:

Crime-Fraud Exception: this exception to privilege arises when the client's purpose in seeking or receiving legal advice is to engage in or conceal criminal or fraudulent conduct.

Loss of Privilege: if the client uses legal advice to further a crime or fraud, the privilege is lost, and the communications can be disclosed in legal proceedings.

Public Interest Exception: even if the crime-fraud exception does not strictly apply, legal privilege may be overridden if there is a strong public interest in disclosing the communication, such as in cases of corruption or misconduct.

In Applicant's Attachment 6, he said to Waratah Strata Management, among the other things:

"SP52948 and Solicitor Adrian Mueller constantly used defence of privilege when preventing access to strata documents. Probably the same will apply to Bannermans Lawyers who misappropriated

around \$13,000.00 in FY 2025, without their proper engagement at any legally convened meeting (current undeclared and unexplained legal costs, as of early July 2025, grew to \$35,638.38).

For privilege to apply it is necessary to show a communication was confidential, and that its dominant purpose was for the purpose of obtaining legal advice or for actual or anticipated litigation. Privilege may be able to be enforced via an injunction to restrain unauthorised use of privileged communications or via court processes during litigation.

There are a number of exceptions to legal professional privilege, including waiver, statutory exclusions, and improper or illegal conduct.

- Parties should be particularly careful in relation to waiver of privilege as this can be implied where a party acts inconsistently with the maintenance of confidentiality. *Mann v Carnell* [1999] HCA 66 at [29] HCA 66 at [29].
- An example of where privilege was excluded in such circumstances is found in *Aucare Dairy Pty Ltd v Huang* [2017] FCA 746. The Federal Court found that, as there was a strong case that the respondents had engaged in fraudulent conduct, communications with their lawyers in the course of that conduct were not privileged. The applicants did not contend that the respondent's solicitors had knowledge of or participated in the fraud and did not need to do so to succeed in their application.
- The Tribunal member completely skipped the seventh document listed in the summonses (Evidence of SP52948 Barrister's response to O'Brien Criminal & Civil Solicitors (who acted on Applicant's behalf) with answer if Applicant was a valid committee member, as approved at committee meeting on 7 May 2020).
- The Tribunal member asked Mr. Pogorelsky if he had the eighth document(s) listed in the summonses (Evidence of Bitcoin payment in amount of \$5,052.03 for ransomware attack in February 2019 (including name of benefactor and proof of ransom payment, date the Police notified and the Event number, date mandatory data breach notification was completed with Australian Cybercrime Online Reporting Network (ACORN) - proof that strata files for period prior to February 2017 were lost and Lot 181 had no files to prove he was financial to vote and be a committee member). Tribunal's exact question was: "Do you have any documents relating to that?". Tribunal asked "Do you have any documents relating to that?" and Mr. Pogorelsky's response was "No, I do not know anything about it". The Applicant jumped in and said "He knows everything about it. Sorry, sorry, he knows about it". Mr. Pogorelsky stayed silent and the Tribunal member simply moved on to ninth document in the summonses.

This is easily refuted by Applicant's email to Waratah Strata Management and committee members (including Mr. Stan Pogorelsky) on 9 June 2023 at 09:03 hours. The title of the email was "Fwd: SUMMARY Insurance risks and mismanagement of strata plan SP52948 with high concerns for safety, financial health (bankruptcy risk), and non-compliance with laws on 8Jun2023". The email contained these areas of concern:

"Five fraudulent insurance claims for alleged legal costs, with falsified statements to courts and insurance companies.

False statement about last Annual General Meeting (AGM) at Strata Hub nsw.gov.au with risks of penalties for outdated and wrong information.

Unauthorized major renovations and legally non-compliant Extraordinary General Meeting on 27 April 2023, with risks for work being done by unprofessional companies.

All committee meetings since 1 February 2017, when Waratah Strata Management took office, failed to comply with strata laws and regulations.

Negative trends in Admin Fund, with special emphasis on period since Waratah Strata Management took office on 1 February 2017.

Missing spare panel for entrance gate in basement of Block B, which already happened once in 2018 and Lot 158 forced its return to rightful owners. As of May 2023, the spare panel is missing again. The entrance gate repairs typically cost between \$3,500.00 and now \$5,000.00.

Information about insurance policy excesses are kept secret from owners by ex-strata manager BCS Strata Management and current strata manager Waratah Strata Management.

Highly dubious allegations of ransomware attack against Waratah Strata Management in 2019, with strong suspicion of fraud and money laundering.

Ongoing fire and OH&S problems. In spite of Ryde Council orders, such work is being for more than two years, and these problems have plagued SP52948 since 2012.

10-Year Capital Works Fund poorly planned, never approved by owners corporation at any general meeting, with shortage of funds in amount of \$1,515,541.00 as per committee meeting on 23 September 2021.

*Ongoing physical threats, racism, discrimination.
Inequitable privileges for selective owners.*

Smoking continues to be a major issue, not only increasing risks of fire, but also causing health risks and nuisance. Waratah Strata Management and committee members refuse to take decisive measures.

Secrecy about Lot 1 legal case.

Serious pool and spa repairs due to long-term lack of proper maintenance.”

Mr. Pogorelsky read the email on the same day at 09:12 hours but never replied.

Mr. Pogorelsky was recipient of Waratah Strata Management letter that was allegedly sent to all owners on 12 March 2019 - Applicant's Attachment 26.

Waratah Strata Management email to NSW Fair Trading on 17 May 2019, where committee members and Mr. Pogorelsky were recipients as well – Applicant's Attachment 27, urging them not to investigate whilst also providing false statements and ransomware attack.

Mr. Pogorelsky directly refuted the statement at this Directions Hearing through his own witness statement in Attachment 10 on page 485 which was submitted to NCAT on 18 March 2025 although he signed it with date of 20 March 2025 (agenda for Annual General Meeting on 27 October 2022), where Mr. Pogorelsky personally voted against Applicant's Motion on ransomware. To further mislead the Tribunal, Mr. Pogorelsky did not submit minutes of AGM 2022 in his witness statement.

The Tribunal member asked Mr. Pogorelsky if he had the ninth document listed in the summonses (Current contract with Uniqueco Property Services – check if Lot 181 signed it while unfinancial to vote and be a committee member). Mr. Pogorelsky answered “I do not personally but the strata does”. The Tribunal member then stated that Mr. Pogorelsky was personally being summoned.

The Tribunal member concluded that Mr. Pogorelsky could only provide the fifth document(s) listed in the summonses (Levy invoices for Mr. Stan Pogorelsky (Lot 181) in period from 1 February 2017 to the date set by the Tribunal in NCAT case 2024/00454780-001 before the Hearing - proof Lot 181 was financial to vote and be a committee member), which were still not delivered to NCAT or the Applicant.

The Tribunal member confirmed again that the Applicant could get the files which Mr. Pogorelsky personally hold: his own levy statements and invoices.

The Applicant asked “Where did he produce them?” and the Tribunal member stated that they were the documents produced to NCAT which the Applicant had received.

The Applicant submitted statement that on 21 March 2025, when he personally visited the NCAT office and spent more than an hour looking at all submissions, none of the documents related to those in summonses (invoices for his levies since 2017). The Tribunal then sided with Mr. Pogorelsky and stated that he did not have copies of those invoices in spite of them being personal documents. She defended Mr. Pogorelsky by saying “It is up to him. He might get a levy, pay it ... and then throw that document away. That is up to him. Not up to me, not up to you (the Applicant)”.

The Applicant summarised “In other words we can conclude that no documents will be produced for the Tribunal, or myself, or for the owners corporations”.

The Tribunal member then stated that the Applicant allegedly had to summons the strata committee (rejecting the Applicant’s comment that Mr. Pogorelsky was a current member of the committee) and suggested to seek legal advice.

The Tribunal member asked if the Applicant understood the problems with his summonses, where the Applicant replied that he had problems with her statements because he went through three rejections of summonses, until the final version was approved.

The Tribunal member concluded “So, in terms of the documents that are held at the moment by the individual that you have summoned, I am satisfied that the only documents that are held have been produced under the summons”.

She then asked Mr. Pogorelsky “You do not hold any further documents in relation to the summons Personally you do not hold...” where he replied “No, I don’t”.

Tribunal member followed with “So, given that there is no further document to serve, there is no point in extending the time to return those documents”.

In conclusion the Applicant asked “Your Honor, can you put in your outcome of this meeting, third Directions Hearing, which was unnecessary, that the statement, that Mr. Pogorelsky claims he has none of the documents that were listed”, where she replied that she gave “some oral reasons”. Applicant then asked again “Can you put it in writing? It would be good to have a record of that... that he claims that he has no documents as listed”.

Tribunal member asked “Mr. Pogorelsky, unless you agree that you want a notation that you don’t personally hold any of the documents, any further documents that have been summoned, that you agree to that going on order, than I can make that notation. If you don’t agree to that I am not going to make a notation”.

Mr Pogorelsky replied “No, I don’t agree to it” and the Tribunal member complied, preventing all owners in the complex from having this information.

The Applicant finally asked the Tribunal member “Do you know that owners corporation did not get any information about these Directions Hearings and non-compliance and today’s meetings?”

3) The meeting as organised by Waratah Strata Management, barely satisfied requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW) but failed to provide full-disclosure of events to owners.

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

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



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

POSTED 08 DECEMBER 2023

Category: [Strata](#)

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

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

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

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

<https://www.nswstratasleuth.info/SP52948-year-2025/NCAT-2024-00454780-non-compliant-meeting-illegally-engaging-Bannermans-Lawyers-6Jan2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/NCAT-2024-00454780-non-compliant-meeting-illegally-ratifying-engagement-of-Bannermans-Lawyers-6Feb2025.pdf>

5) At third Directions Hearing on 22 April 2025, Bannermans Lawyers, Waratah Strata Management, and committee members failed to inform the Tribunal that they planned the EGM on 1 May 2025, whilst again allowing Bannermans Lawyers to attend without evidence of their legal engagement.

They deliberately and in premeditated manner failed to submit a copy of the agenda for the EGM created two weeks earlier on 7 April 2025.

The main reason for the EGM was their realisation that the alleged ratification of committee meeting on 6 February 2025 was weak and legally void, so they had to make another attempt to make it “valid”.

6) Some owners received email with this agenda at 12:09 hours on 7 April 2025, directly prejudicing all other owners who did not rely on email services:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-email-with-agenda-for-EGM-7Apr2025.pdf>

From: Strata Voting <noreply@stratavote.com>
To: SP52948 owner <redacted to protect the owner>
Sent Monday 7 April 2025 at 12:09:40 pm AEST
Subject: Meeting Invitation: Extraordinary General Meeting for MACQUARIE GARDENS Plan No. 52948 1-15 Fontenoy Road

The Extraordinary General Meeting for the Owners Corporation for MACQUARIE GARDENS Plan No. 52948 has been scheduled as follows:-

Date:	01 May 2025
Time:	10:00 AM
Venue:	Online Meeting, Via Electronic Vote Only, NSW, 2000
Pre-Voting available until:	30 April 2025 10:00 AM

If you are attending the meeting, registration will begin 15 minutes prior to the meeting time.

7) These two web links (URLs) were not available for the Applicant:

<https://app.stratavote.com/MeetingSite/MeetingPaper.aspx?guid=undisclosed-to-protect-owners-privacy>

<https://mandrillapp.com/track/click/<protected-ID>/app.stratavote.com?p=undisclosed-to-protect-owners-privacy>

8) StrataVote contents for EGM on 1 May 2025:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-StrataVote-for-EGM-redacted-1May2025.pdf>

9) Notice for the EGM hid all details of the financial status in Admin Fund. On 7 April 2025, Admin Fund had negative balance (deficit) in amount of -\$286,414.90, with owners not being informed about legal costs in amount of \$13,418.17:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-7Apr2025.pdf>

WARATAH

STRATA MANAGEMENT

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Eastwood NSW 2122

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02 9114 9599

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Income & Expenditure Report

for the financial year-to-date

01/09/2024 to 07/04/2025

Strata Plan 52948

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

Administrative Fund

Current period

01/09/2024-07/04/2025

Previous year

01/09/2023-31/08/2024

Revenue

141900	Gas - Additional Service	0.00	2,945.45
142400	Interest - Other	0.00	27.29
142500	Interest on Arrears--Admin	576.79	2,056.69
142800	Key Deposits	387.00	122.00
143000	Levies Due--Admin	570,000.00	942,502.16
144000	Miscellaneous Income--Admin	0.00	120.00
146500	Status Certificate Fees	327.00	1,471.50
147000	Strata Roll Inspection Fees	124.00	214.18
Total revenue		571,414.79	949,459.27

Less expenses

150200	Admin--Accounting	600.00	800.00
153800	Admin--Agent Disbursements	10,215.20	14,477.26
150800	Admin--Auditors--Audit Services	1,500.00	1,300.00
150900	Admin--Auditors--Taxation Services	0.00	475.00
152150	Admin--Honorarium	480.38	0.00
153000	Admin--Key Deposit Refunds	(244.00)	0.00
153200	Admin--Legal & Debt Collection Fees	13,418.17	4,561.93
181100	Reimbursements - Gas Usage	435.78	495.01
181101	Reimbursements - Water Usage	2,610.00	3,153.89
190200	Utility--Electricity	45,771.10	54,838.28
190400	Utility--Gas	28,729.29	30,053.99
190800	Utility--Rubbish Removal	0.00	72.27
191200	Utility--Water & Sewerage	52,257.24	107,238.20

07/04/2025

16:29

Web generated report

Waratah Strata Management Pty Ltd

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Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	
Administrative Fund			
	Current period	Previous year	
	01/09/2024-07/04/2025	01/09/2023-31/08/2024	
<i>Total expenses</i>	812,245.40	1,001,164.29	
Surplus/Deficit	(240,830.61)	(51,705.02)	
Opening balance	(45,584.29)	6,120.73	
Closing balance	-\$286,414.90	-\$45,584.29	

10) One day before the EGM (30 April 2025 – end of financial quarter) Admin Fund had historical record for negative balance (deficit) in amount of -\$375,415.62, with owners not being informed about legal costs in amount of \$26,388.87:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-30Apr2025.pdf>



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Income & Expenditure Report for the financial year-to-date 01/09/2024 to 30/04/2025

Strata Plan 52948

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

		Administrative Fund	
		Current period	Previous year
		01/09/2024-30/04/2025	01/09/2023-31/08/2024
Revenue			
141900	Gas - Additional Service	0.00	2,945.45
142400	Interest - Other	0.00	27.29
142500	Interest on Arrears--Admin	669.12	2,056.69
142800	Key Deposits	387.00	122.00
143000	Levies Due--Admin	570,000.00	942,502.16
144000	Miscellaneous Income--Admin	0.00	120.00
146500	Status Certificate Fees	327.00	1,471.50
147000	Strata Roll Inspection Fees	186.00	214.18
<i>Total revenue</i>		<u>571,569.12</u>	<u>949,459.27</u>
Less expenses			
150200	Admin--Accounting	600.00	800.00
153800	Admin--Agent Disbursements	10,215.20	14,477.26
150800	Admin--Auditors--Audit Services	1,500.00	1,300.00
150900	Admin--Auditors--Taxation Services	0.00	475.00
152150	Admin--Honorarium	480.38	0.00
153000	Admin--Key Deposit Refunds	(244.00)	0.00
153200	Admin--Legal & Debt Collection Fees	26,388.87	4,561.93
181100	Reimbursements - Gas Usage	558.40	495.01
181101	Reimbursements - Water Usage	2,764.86	3,153.89
190200	Utility--Electricity	45,771.10	54,838.28
190400	Utility--Gas	28,729.29	30,053.99
190800	Utility--Rubbish Removal	0.00	72.27
191200	Utility--Water & Sewerage	75,531.63	107,238.20
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Strata Plan 52948

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

		Administrative Fund	
		Current period	Previous year
		01/09/2024-30/04/2025	01/09/2023-31/08/2024
<i>Total expenses</i>		<u>901,400.45</u>	<u>1,001,164.29</u>
Surplus/Deficit		<u>(329,831.33)</u>	<u>(51,705.02)</u>
Opening balance		(45,584.29)	6,120.73
Closing balance		<u><u>-\$375,415.62</u></u>	<u><u>-\$45,584.29</u></u>

11) On the day of the EGM on 1 May 2025, after collection of new levies, Admin Fund had negative balance (deficit) in amount of -\$50,415.62, with owners not being informed about legal costs in amount of \$26,388.87:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-1May2025.pdf>



Suite 17, First Floor, 10 E Parade
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waratahstrata.com.au

Income & Expenditure Report for the financial year-to-date 01/09/2024 to 01/05/2025

Strata Plan 52948

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

		Administrative Fund	
		Current period	Previous year
		01/09/2024-01/05/2025	01/09/2023-31/08/2024
Revenue			
141900	Gas - Additional Service	0.00	2,945.45
142400	Interest - Other	0.00	27.29
142500	Interest on Arrears--Admin	669.12	2,056.69
142800	Key Deposits	387.00	122.00
143000	Levies Due--Admin	895,000.00	942,502.16
144000	Miscellaneous Income--Admin	0.00	120.00
146500	Status Certificate Fees	327.00	1,471.50
147000	Strata Roll Inspection Fees	186.00	214.18
Total revenue		896,569.12	949,459.27
Less expenses			
150200	Admin--Accounting	600.00	800.00
153800	Admin--Agent Disbursements	10,215.20	14,477.26
150800	Admin--Auditors--Audit Services	1,500.00	1,300.00
150900	Admin--Auditors--Taxation Services	0.00	475.00
152150	Admin--Honorarium	480.38	0.00
153000	Admin--Key Deposit Refunds	(244.00)	0.00
153200	Admin--Legal & Debt Collection Fees	26,388.87	4,561.93
181100	Reimbursements - Gas Usage	558.40	495.01
181101	Reimbursements - Water Usage	2,764.86	3,153.89
190200	Utility--Electricity	45,771.10	54,838.28
190400	Utility--Gas	28,729.29	30,053.99
190800	Utility--Rubbish Removal	0.00	72.27
191200	Utility--Water & Sewerage	75,531.63	107,238.20

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Strata Plan 52948

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

		Administrative Fund	
		Current period	Previous year
		01/09/2024-01/05/2025	01/09/2023-31/08/2024
Total expenses		901,400.45	1,001,164.29
Surplus/Deficit		(4,831.33)	(51,705.02)
Opening balance		(45,584.29)	6,120.73
Closing balance		-\$50,415.62	-\$45,584.29

12) Notice for the adjourned EGM (which was not sent to the Applicant) hid all details of the financial status in Admin Fund. On 8 May 2025, Admin Fund had negative balance (deficit) in amount of -\$130,140.65, with owners not being informed about legal costs in amount of \$35,908.38:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-8May2025.pdf>



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Income & Expenditure Report for the financial year-to-date 01/09/2024 to 08/05/2025

Strata Plan 52948

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

		Administrative Fund	
		Current period	Previous year
		01/09/2024-08/05/2025	01/09/2023-31/08/2024
Revenue			
141900	Gas - Additional Service	0.00	2,945.45
142400	Interest - Other	0.00	27.29
142500	Interest on Arrears--Admin	669.12	2,056.69
142800	Key Deposits	387.00	122.00
143000	Levies Due--Admin	895,000.00	942,502.16
144000	Miscellaneous Income--Admin	0.00	120.00
146500	Status Certificate Fees	327.00	1,471.50
147000	Strata Roll Inspection Fees	217.00	214.18
<i>Total revenue</i>		<u>896,600.12</u>	<u>949,459.27</u>
Less expenses			
150200	Admin--Accounting	600.00	800.00
153800	Admin--Agent Disbursements	11,492.10	14,477.26
150800	Admin--Auditors--Audit Services	1,500.00	1,300.00
150900	Admin--Auditors--Taxation Services	0.00	475.00
152150	Admin--Honorarium	480.38	0.00
153000	Admin--Key Deposit Refunds	(244.00)	0.00
153200	Admin--Legal & Debt Collection Fees	35,908.38	4,561.93
181100	Reimbursements - Gas Usage	558.40	495.01
181101	Reimbursements - Water Usage	2,764.86	3,153.89
190200	Utility--Electricity	52,911.81	54,838.28
190400	Utility--Gas	28,729.29	30,053.99
190800	Utility--Rubbish Removal	0.00	72.27
191200	Utility--Water & Sewerage	75,531.63	107,238.20
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Strata Plan 52948

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

		Administrative Fund	
		Current period	Previous year
		01/09/2024-08/05/2025	01/09/2023-31/08/2024
<i>Total expenses</i>		<u>981,156.48</u>	<u>1,001,164.29</u>
Surplus/Deficit		<u>(84,556.36)</u>	<u>(51,705.02)</u>
Opening balance		(45,584.29)	6,120.73
Closing balance		<u><u>-\$130,140.65</u></u>	<u><u>-\$45,584.29</u></u>

13) On the day of the adjourned EGM on 27 May 2025, Admin Fund had negative balance (deficit) in amount of - \$141,283.17, with owners not being informed about legal costs in amount of \$35,908.38:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-27May2025.pdf>



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Income & Expenditure Report for the financial year-to-date 01/09/2024 to 27/05/2025

Strata Plan 52948

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

		Administrative Fund	
		Current period	Previous year
		01/09/2024-27/05/2025	01/09/2023-31/08/2024
Revenue			
141900	Gas - Additional Service	0.00	2,945.45
142400	Interest - Other	0.00	27.29
142500	Interest on Arrears--Admin	781.36	2,056.69
142800	Key Deposits	467.00	122.00
143000	Levies Due--Admin	895,000.00	942,502.16
144000	Miscellaneous Income--Admin	0.00	120.00
146500	Status Certificate Fees	327.00	1,471.50
147000	Strata Roll Inspection Fees	217.00	214.18
<i>Total revenue</i>		<u>896,792.36</u>	<u>949,459.27</u>
Less expenses			
150200	Admin--Accounting	600.00	800.00
153800	Admin--Agent Disbursements	11,492.10	14,477.26
150800	Admin--Auditors--Audit Services	1,500.00	1,300.00
150900	Admin--Auditors--Taxation Services	0.00	475.00
152150	Admin--Honorarium	480.38	0.00
153000	Admin--Key Deposit Refunds	(244.00)	0.00
153200	Admin--Legal & Debt Collection Fees	35,908.38	4,561.93
181100	Reimbursements - Gas Usage	(2,387.00)	495.01
181101	Reimbursements - Water Usage	2,764.86	3,153.89
190200	Utility--Electricity	60,166.78	54,838.28
190400	Utility--Gas	28,729.29	30,053.99
190800	Utility--Rubbish Removal	0.00	72.27
191200	Utility--Water & Sewerage	75,531.63	107,238.20
27/05/2025 16:50 Web generated report Waratah Strata Management Pty Ltd Page 2			

Strata Plan 52948

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

		Administrative Fund	
		Current period	Previous year
		01/09/2024-27/05/2025	01/09/2023-31/08/2024
<i>Total expenses</i>		<u>992,491.24</u>	<u>1,001,164.29</u>
Surplus/Deficit		<u>(95,698.88)</u>	<u>(51,705.02)</u>
Opening balance		(45,584.29)	6,120.73
Closing balance		<u><u>-\$141,283.17</u></u>	<u><u>-\$45,584.29</u></u>

14) In Mr. Pogorelsky's witness statement, which Bannermans Lawyers submitted on 20 March 2025, Tribunal was prevented from having access to details of agenda and minutes of committee meeting on 6 January 2025, which was the main goal of EGM on 1 May 2025:

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

(See attachment "**23**" minutes of strata committee meeting held on 1 June 2023)

(See attachment "**24**" notice of strata committee meeting held on 22 February 2024)

(See attachment "**25**" minutes of strata committee meeting held on 22 February 2024)

(See attachment "**26**" minutes of strata committee meeting held on 17 May 2024)

(See attachment "**27**" notice of strata committee meeting held on 6 February 2025)

(See attachment "**28**" minutes of strata committee meeting held on 6 February 2025)

15) In Applicants folder provided to NCAT and the Respondent on 7 July 2025, evidence was submitted (Paragraph 11.24) about the following:

11.24) Three versions of minutes for Extraordinary General Meeting scheduled for 1 May 2025

11.24.1) Fill copies of Waratah Strata Management EGM documents are in:

Applicant's Attachment 42 – First version of failed Extraordinary General Meeting on 1 May 2025 that was sent to some owners

Applicant's Attachment 43 – Second version of failed Extraordinary General Meeting on 1 May 2025 that was not sent to any owner, or published on notice boards and Waratah Strata Management website until minutes of the adjourned meeting was published on 2 June 2025

Applicant's Attachment 44 – Minutes of adjourned Extraordinary General Meeting on 27 May 2025 that was not sent to the Applicant, but published on walls near notice boards and Waratah Strata Management website on 2 June 2025 and backdated to 1 May 2025

11.24.2) First version of the alleged minutes of SP52948 Extraordinary General Meeting on 1 May 2025, sent to some owners on 8 May 2025, but never published on Waratah Strata Website or on six notice boards:

**NOTICE OF AN ADJOURNED EXTRAORDINARY GENERAL MEETING
FOR OWNERS CORPORATION FOR MACQUARIE GARDENS PLAN NO. 52948**

ADDRESS OF STRATA SCHEME: MACQUARIE GARDENS
1-15 FONTENOY ROAD MACQUARIE PARK

**DATE, PLACE & TIME
OF MEETING:**

The meeting that was scheduled for **01 May 2025** at 10:00 AM lapsed due to Quorum Not Achieved . Notice is hereby given that the meeting of The Owners - Strata Plan No. 52948 will be held on 27 May 2025 at Online Meeting, Via Electronic Vote Only, NSW, 2000. The meeting will commence at 09:00 AM.

Date of this Notice: 08 May 2025

11.24.3) Second version of the alleged minutes of SP52948 Extraordinary General Meeting on 1 May 2025, first time published on Waratah Strata Management website on 2 June 2025 but "backdated" to 1 May 2025:

Quorum	A quorum not achieved
---------------	-----------------------

11.24.4) Alleged minutes of adjourned SP52948 Extraordinary General Meeting on 27 May 2025, first time published on Waratah Strata Management website on 2 June 2025 but "backdated" to 1 May 2025:

Quorum	The original general meeting scheduled on 01/05/25 did not reach a quorum. This reconvened meeting held on 27/05/25 proceeds in accordance with the Act, with quorum deemed present under Section 19(3).
---------------	--

11.24.5) The "successful" EGM on 27 May 2025 listed 54 owners who voted (out of 218 in the complex), of which three were declared "non-financial" (Lots 12, 32, and 45) (word "non-financial" was given by strata manager himself), and one owner who allegedly voted on 1 May 2025 disappeared from status on 27 May 2025 (Lot 60).

However, the adjourned EGM was not shown that it also failed to reach quorum and the strata manager wrongly summarised it in the minutes.

11.24.6) Section 19(3) of SSMA 2015 has nothing to do with the quorum:

"19 Other general meetings

(1) The secretary or a strata committee of an owners corporation may convene a general meeting (that is not an annual general meeting) of the owners corporation at any time.

(2) The secretary of the owners corporation, or another officer if the secretary is absent, must convene a general meeting (that is not an annual general meeting) of the owners corporation as soon as practicable, and not later than 14 days after, receiving a qualified request.

(3) A meeting may be convened on a qualified request even if the first annual general meeting has not been held.

(4) A request is a "qualified request" for the purposes of this section if it is made by one or more owners of a lot or lots in the strata scheme having a total unit entitlement of at least one-quarter of the aggregate unit entitlements."

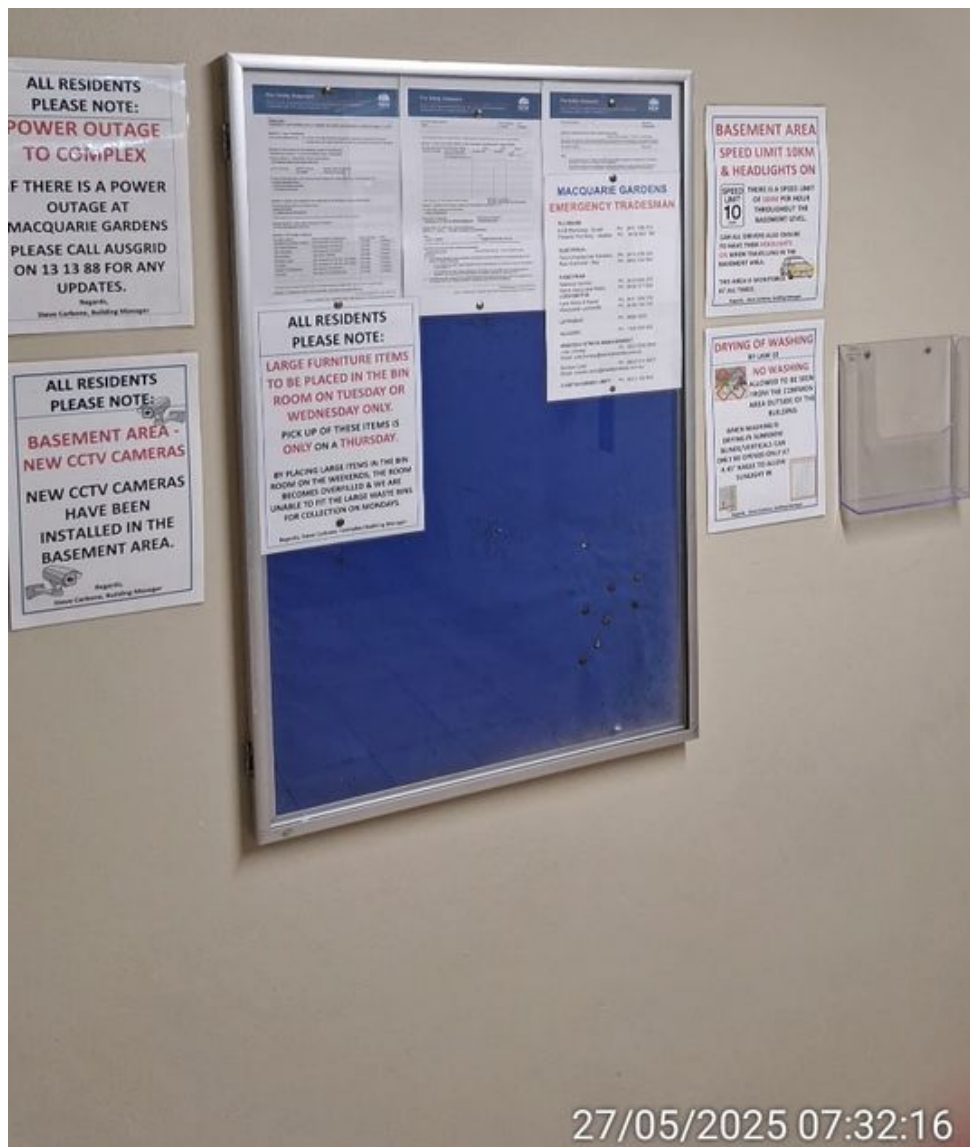
11.24.7) These documents prove, beyond reasonable doubt, that the notice boards did not contain minutes of failed EGM on 1 May 2025 or notice for the adjourned EGM on any date before the EGM, including 27 May 2025 itself:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Block-A-notice-board-empty-30Apr2025.webp>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Block-B-notice-board-empty-13May2025.webp>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Block-A-notice-board-empty-25May2025.webp>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Block-A-notice-board-empty-27May2025.webp>



16) Whilst notice boards and Waratah Strata Management's website did not have any details of the agenda and outcome of EGM dated 1 May 2025 even as late as the date of the adjourned EGM on 27 May 2025, some owners received prompt updates via email on 8 May 2025:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-email-with-adjournment-for-EGM-8May2025.pdf>

From: Strata Voting <noreply@stratavote.com>
To: SP52948 owner <redacted to protect the owner>
Sent Thursday 8 May 2025 at 06:48:12 pm AEST
Subject: Meeting Adjourned - DO NOT DELETE THIS EMAIL

The Extraordinary General Meeting for Owners Corporation for MACQUARIE GARDENS Plan No. 52948 has been adjourned to the new date:-

Date: 27 May 2025
Time: 09:00 AM
Venue: Online Meeting, Via Electronic Vote Only, NSW, 2000
Quorum Not Achieved

STRATAVOTE

**NOTICE OF AN ADJOURNED EXTRAORDINARY GENERAL MEETING
FOR OWNERS CORPORATION FOR MACQUARIE GARDENS PLAN NO. 52948**

ADDRESS OF STRATA SCHEME: MACQUARIE GARDENS
1-15 FONTENOY ROAD MACQUARIE PARK

**DATE, PLACE & TIME
OF MEETING:** The meeting that was scheduled for **01 May 2025** at 10:00 AM lapsed due to Quorum Not Achieved . Notice is hereby given that the meeting of The Owners - Strata Plan No. 52948 will be held on 27 May 2025 at Online Meeting, Via Electronic Vote Only, NSW, 2000. The meeting will commence at 09:00 AM.

Date of this Notice: 08 May 2025

17) Minutes of adjourned Extraordinary General Meeting on 27 May 2025 that was not sent to the Applicant, but published on walls near notice boards and on Waratah Strata Management's website on 2 June 2025 and backdated to 1 May 2025:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-minutes-AGM-1May2025-allegedly-adjourned-for-27May2025-due-to-lack-of-quorum-and-published-on-2Jun2025.pdf>

17.1) Applicant's Motions were not approved where Waratah Strata Management provided ambiguous and invalid reasoning to hide mismanagement of SP52948 which directly, in primary reasons, benefited Bannermans Lawyers and Mr. Stan Pogorelsky personally:

"Motion was ruled Out of Order: The motion, if carried, would be unlawful or unenforceable for another reason"

17.2) Example for Motion 4:

Motion 4	
Confirm NCAT case 2024/00454780 legal concerns	Ordinary Resolution Submitted by Owner Lot 158
<p>The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following events:</p> <p>1) Waratah Strata Management and committee members failed to inform owners about NCAT case 2024/00454780 and orders sought:</p> <ul style="list-style-type: none"> • Access to strata documents as per SSMA 2015 Section 188. • Summons committee member Mr. Stan Pogorelsky. • Remove committee member Stan Pogorelsky as per SSMA 2015 Section 238. • Rescind Special By-Law Unreasonable-Communications as per SSMA 2015 Section 150. • Bannermans Lawyers conflict of interest and lack of disclosure. • Electronic delivery of documents and website evidence. <p>https://www.nswstratasleuth.info/NCAT-2024-00454780-001-Table-of-Contents-public.pdf https://www.nswstratasleuth.info/NCAT-2024-00454780-001-Points-of-Claim-public.pdf</p> <p>2) One of main orders to be considered by the Tribunal is strong evidence of misconduct that Lot 158 alleges for Mr. Stan Pogorelsky, which includes (but is not a full listing):</p> <p>https://www.nswstratasleuth.info/NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-1-public.pdf https://www.nswstratasleuth.info/NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-2-public.pdf https://www.nswstratasleuth.info/NCAT-2024-00454780-001-remove-SP52948-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-3-public.pdf</p> <ul style="list-style-type: none"> • Unfinancial since 1999, where he was elected to be a committee member without disclosure of outstanding debt for gas heating levies (non-democratic process), and used his position to benefit himself as a lot owner and a small group of other owners (who were also unfinancial and allowed to vote, and some of them even be elected as committee members), contrary to the interests of majority of other owners. <p>It took 13 years for Mr. Pogorelsky to admit at an official committee or general meeting that he had enjoyed use of gas heating without Special By-Law and resolution at general meeting.</p> <p>It took 17 years for Mr. Pogorelsky to officially admit at an official committee or general meeting that he had enjoyed use of gas heating without paying prescribed levies and 10% simple interest per year, and then continued to mislead the owners about his real debt, directly defrauding owners corporation.</p> <ul style="list-style-type: none"> • Mr. Pogorelsky, whilst unfinancial without disclosure to owners and the Tribunal, submitted false statements to CTTT since 2011 and continued to do so through Solicitor Adrian Mueller until 2020. • Mr. Pogorelsky, whilst unfinancial, was one of the accessories in helping Solicitor Adrian Mueller falsify evidence in CTTT case SCS 12/32675 and NCAT case SC 20/33352, which generated five fraudulent insurance claims and knowingly allowed Solicitor Adrian Mueller to make profits at owners corporation expense: Four insurance claims for non-existent "Defence of Lot 3" after secret insurance policy change several weeks before the first claim. CHU Insurance paid \$24,919.31 (GST excl) in total. Four years later, CHU Insurance forced recovery of \$8,800.00 from SP52948. <p>One insurance claim with SUU Insurance for NCAT case SC 20/33352. Insurance company paid \$19,758.14 (GST excl) on 24 March 2022 (just six days after Supreme Court Barrister Julie Wright's initial correspondence on 18 March 2022), as confirmed in secret email from Waratah Strata Management to committee members on 25 March 2022. SUU Insurance got reimbursed one year later for \$14,917.60 (GST excl) when Lot 158 paid Supreme Court</p>	

"penalty" in amount of \$23,744.42 (GST excl) for the same Solicitor's claim (\$25,158.14 (GST excl)).

- Mr. Stan Pogorelsky, directly supported racism on at least three different occasions whilst unfinancial to vote and be a committee member.
- Mr. Stan Pogorelsky, whilst unfinancial, directly supported discrimination against Lot 158 who was legally valid committee member, which culminated in so-called "Unreasonable Communications", discriminatory Special By-Law, as advised by Solicitor Adrian Mueller.
- Mr. Pogorelsky, whilst unfinancial, allowed irresponsible growth of levies which created huge negative balances in Admin Fund (record deficit was on 31 October 2024 in amount of -\$325,061.80), with special emphasis to period when Waratah Strata Management took office on 1 February 2017.
- Mr. Pogorelsky, whilst unfinancial, signed major contracts with Uniqueco Property Services and Waratah Strata Management and did not allow any competitive tenders.
- Mr. Pogorelsky, whilst unfinancial, had proxy votes from owners at almost all general meetings since 1999.
- Mr. Pogorelsky, whilst unfinancial, directly supported discrimination and provided different benefits to different owners.
- Mr. Pogorelsky, whilst unfinancial, directly supported multiple events of stalking, harassment, and exposure to threats of Lot 158.

3) On 15 January 2025, at Directions Hearing, five strata managers (Mr. Alex Tomasko, Mr. Nicolas Cozic, Mr. Robert Odenthal, Mr. Heath Crosbie, and Mr. Robert Crosbie) and nine committee members failed to appear. Tribunal member repeated several times that, based on brief readings of Lot 158 submissions, and numerous problems in the complex, there should be a Motion for removing (compulsory) strata manager. NCAT has powers to appoint a strata manager on its own motion, by its discretion. Section 237 of SSMA 2015 empowers the NCAT to make an order that either all, or part, of the functions of the owners corporation are delegated to a compulsory strata manager.

4) On 20 February 2025, at repeated Directions Hearing, five strata managers (Mr. Alex Tomasko, Mr. Nicolas Cozic, Mr. Robert Odenthal, Mr. Heath Crosbie, and Mr. Robert Crosbie) and nine committee members failed to appear. Tribunal member was astonished that Mr. Stan Pogorelsky did not show up as one of the prime persons-of-interest who should provide evidence and defend his past actions.

5) Bannermans Lawyers failed to comply with Directions Hearing dated 15 January 2025 and did not provide any written defense on behalf of SP52948 before, at, and after deadline on 12 February 2025.

6) Bannermans Lawyers failed to comply with Directions Hearing dated 15 January 2025 and did not provide any written defense on behalf of SP52948 before, at, and after NCAT Directions Hearing on 20 February 2025.

6) Before Directions Hearing on 20 February 2025, Lot 158 requested that Bannermans Lawyers produce evidence of the following to the Tribunal and Lot 158 and they failed to do it:

- Unredacted electronic copy of all email correspondence between SP52948 representatives and Bannermans Lawyers since 10 December 2024.
- Unredacted electronic copy of email(s) that provided Bannermans Lawyers with signed version of their Standard Costs Agreement before attending Directions Hearing on 15 January 2025.
- Unredacted electronic copy of email(s) that provided Bannermans Lawyers with minutes of committee meeting on 6 January 2025 before attending Directions Hearing on 15 January 2025.
- Unredacted electronic copy of email(s) that provided Bannermans Lawyers with signed version of their Standard Costs Agreement before attending Directions Hearing on 20 February 2025.
- Unredacted evidence that all owners were sent the full agenda for committee meeting (via email and Australia Post) in a timely manner before scheduled meeting on 6 January 2025.
- Unredacted evidence that all owners were sent the full agenda for committee meeting (via email and Australia Post) in a timely manner before scheduled meeting on 6 February 2025.
- Proof that agenda and minutes for meetings on 6 January 2025 and 6 February 2025 were published on Waratah Strata Management website before, on, and after the meetings before second Directions Hearing

on 20 February 2025.

- Proof that minutes for meeting on 6 February 2025 were published on six notice boards before or on 20 February 2025..

- Proof that Bannermans Lawyers engaged express courier to deliver printed files to Lot 158 before, on, or after 12 February 2025, as per Directions Hearing Orders you received on 15 January 2025. The evidence must include proof of express courier payment, signature of the person who received your documents, date when these events happened, and evidence what Waratah

Strata Management and committee members did when they received Lot 158 complaint about missing documents on 14 and 19 February 2025.

MOTION DEFEATED

Motion was ruled Out of Order: The motion, if carried, would be unlawful or unenforceable for another reason

17.3) Example for Motion 5:

Motion 5	
Confirm non-compliance of committee meetings on 6 January 2025 and 6 February 2025 and Bannermans Lawyers conflict of interest	Ordinary Resolution Submitted by Owner Lot 158
<p>The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following events:</p> <p>1) Meetings on 6 January 2025 and 6 February 2025 did not comply with Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 7, 12, 17, and 18, and Interpretation Act 1987 (NSW). https://www.nswstratasleuth.info/SP52948-year-2025/NCAT-2024-00454780-001-Bannermans-Lawyers-conflict-of-interest-and-disclosure-public.pdf</p> <p>2) Bannermans Lawyers failed to address issues of conflict of interest and illegal engagement in NCAT case 2024/00454780: https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Lot-158-warning-to-Bannermans-Lawyers-about-NCAT-case-2024-00454780-20Feb2025.pdf</p> <p>3) Waratah Strata Management failed to provide the Tribunal and owners with Bannermans Lawyers Standard Costs Agreement, signed by SP52948 representative, before, at, and after two Directions Hearings on 6 January 2025 and 20 February 2025.</p> <p>4) Waratah Strata Management failed to comply with SSMA 2015 Section 105 (disclosure of matters relating to legal costs) within 14 days after the disclosure was made.</p>	
MOTION DEFEATED Motion was ruled Out of Order: The motion, if carried, would be unlawful or unenforceable for another reason	

17.4) Example for Motion 8:

Motion 8		
Amend Special By-Law 14 Paragraph (10)	Special Resolution Submitted by Owner Lot 158	By Poll
<p>The Owners Corporation SP52948 by SPECIAL RESOLUTION approves the following:</p> <p>1) Modify paragraph (10) from:</p> <p>In approving any application made under this By-Law, the Strata Committee may impose further conditions or fees as it sees fit.</p> <p>To:</p> <p>In approving any application made under this By-Law, the Strata Committee may impose further conditions as by strata and other applicable laws.</p> <p>2) Strata Legislation Amendment Bill 2023 introduced the change that a pet bond or fee can no longer be charged by the owners corporation and Waratah Strata Management failed to act upon it.</p> <p>3) SP52948 must comply with SSMA 2015 Section 105A:</p> <p>Bonds or fees relating to keeping of animals not payable</p> <p>An owners corporation must not require an owner or occupier of a lot to -</p> <p>(a) pay a bond or fee relating to the keeping of an animal on the lot, or</p> <p>(b) obtain insurance for an animal kept on the lot.</p>		
<p>Motion was ruled Out of Order: The motion, if carried, would be unlawful or unenforceable for another reason</p>		

18) As of 18 September 2025, in spite of what NCAT requested from Bannermans Lawyers at Hearing on 22 July 2025, they still did not provide evidence of the validity of their legal engagement. Minutes of the alleged meeting on 1 May 2025 were created and published on 30 May 2025 on Waratah Strata Management's website (one month after the event):



30 May 2025

**MINUTES OF THE EXTRAORDINARY GENERAL MEETING
OF Strata Plan NO: 52948
1-15 FONTENOY ROAD MACQUARIE PARK**

Meeting Date	1 May 2025		
Meeting Location	Online Meeting, Via Electronic Vote Only		
Time	10:00 AM	Opened: 10:00 AM	Closed: 10:45 AM.
Lots Represented	Lot 3	Lorna Zelunzuk	Electronic vote
	Lot 7	James Zachary Zuravle	Electronic vote
	Lot 12	Dr Sharon Wardle (invalid)	Electronic vote
	Lot 13	Genelle Godbee	Proxy present
	Lot 16	Genelle Godbee	Proxy present
	Lot 19	Genelle Godbee	Proxy present
	Lot 21	Thomas Karolewski	Electronic vote
	Lot 24	Genelle Godbee	Proxy present
	Lot 32	James Zuravle (invalid)	Proxy present
	Lot 35	Kamini & Ramesh Desai	Proxy present
	Lot 38	Kamini & Ramesh Desai	Proxy present

Properties

General

Fonts

Location:

Author:

Producer:

Creator:

Created:

Modified:

Format:

Number of Pages:

Optimised:

Security:

Paper Size:

Contains Javascript:

Size:

file:///tmp/SP52948-minutes-EGM-1May2025-created-one-day-earlier.pdf

Rebecca Schubert

Microsoft® Word for Microsoft 365

Microsoft® Word for Microsoft 365

Fri 30 May 2025 10:40:28

Fri 30 May 2025 10:40:28

PDF-1.7

22

No

No

A4, Portrait (210 × 297 mm)

No

762.3 kB

Suite 17, First Floor, 10 E Parade, Eastwood NSW 2122
02 9114 9599
waratahstrata.com.au

19) The first Motion for this EGM was approval for Minutes of AGM 2024, where Applicant warned Waratah Strata Management and committee members and misconduct of AGM 2024 and unanswered issues for AGM 2023:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Waratah-Strata-Management-failed-to-answer-serious-questions-AGM-2024.pdf>

<https://www.nswstratasleuth.info/SP52948-AGM-2023-misconducts-and-risks-24Oct2023.pdf>

<https://www.nswstratasleuth.info/SP52948-AGM-2023-dubious-invoices-24Oct2023.pdf>

Waratah Strata Management and committee members failed to justify invoices and expenses in amount of \$122,843.87 (GST excl) before, at, and after AGM 2023.

31.1) Some of the issues still unresolved, where Waratah Strata Management even failed to comply with Tribunal Orders to provide access to financials on 22 April 2025 and 22 July 2025:

- Detailed Expenses report for the financial year from 01/09/2023 to 31/08/2024 was not provided.
- Detailed Revenue report for the financial year from 01/09/2023 to 31/08/2024 was no provided.
- Waratah Strata Management failed to include Motion about tenant representative in the agenda for AGM 2024 as required in accordance with Section 7 of the Strata Schemes Management Regulation 2016. The SSMA 2015 requires that a tenant representative meeting be called at least 14 days prior to an AGM for the purpose of electing a tenant representative. This meeting taking place is conditional on:
 - Tenants being registered with the OC on the strata roll,
 - 50% or more of the total lots are occupied by registered tenants.Further more, because Waratah Strata Management and committee members hid information about Strata Roll, owners were not even aware how many rented properties were in the complex.
- Waratah Strata Management and committee members continue to use Special By-Law 14 (10) in spite of knowledge that a pet bond or fee can no longer be charged by the owners corporation (on 11 December 2023 the NSW strata and community title legislation changes came into effect).
- Minutes of AGM 2024 were incorrect by stating that meeting started at 18:00 hours. It may be true for some owners, but not for Lot 158 who was left waiting for 10 minutes and not allowed to enter the meeting (video and photo evidence exists).
- Waratah Strata Management did not declare insurance commission in amount of \$9,936.71 in agenda for AGM 2024 in spite of advanced warnings not to get involved with insurance renewal. Section 57(3) of the SSMA permits strata mangers to accept payments and training services provided “in connection with the exercise by the agent of functions for the scheme” if the payment is in accordance with the management agreement or is otherwise approved by the owners corporation. Section 60 of the SSMA requires disclosure. That disclosure must at least be on the agenda of each annual general meeting: Schedule 1, clause 9(g) of the SSMA. \$57,786.69 was received by Waratah Strata Management for insurance commissions since 2018 (their predecessor BCS Strata Management was forced to repay such amounts to owners corporation).
- SP52948 Balance Status on 31 August 2024, end of FY 2024 - Admin Fund had negative balance of - \$45,584.29. Five different versions of this figure exist: -\$76,650.88 in report on 31 August 2024, -\$82,495.29 in report on 5 September 2023, -\$89,919.55 in report on 13 September 2024, -\$71,490.05 in report on 17 September 2024, and -\$45,584.29 on 18 October 2024. The figure of -\$325,441.80 did not include around \$122,690.28 insurance premium (GST excl) for the second half of FY 2025. Taking that into account, more realistic negative balance (deficit) in Admin Fund on 31 August 2024 would be \$448,132.08.

20) As of 18 September 2025, Waratah Strata Management still did not answer questions about Economos warnings during FY 2024 financial audit:

“As at year end, the Administrative Fund is in deficit amounting to \$45,584.29.”

Strata Plan 52948
Notes to the Financial Statement
For the Year Ended 31 August 2024

(e) Deficit for the year

As at year end, the Administrative Fund is in deficit amounting to \$45,584.29.

The ‘Act’ allows for loans between funds, but not for a period greater than 3 months. Strata Schemes Management Act 2015 - Section 76 Part (2) states that “The Owner’s Corporation must, not later than 3 months after the transfer or use, determine by resolution at a general meeting whether the money, or part of the money, should be reimbursed to the fund from which it was transferred or paid.”

Section 79 Part (3) requires that “When estimating amounts needed to be credited to the administrative fund or the capital works fund, the Owners Corporation must have before it, and take into account, a statement of the existing financial situation of the strata scheme and an estimate of receipts and payments.”

When the budget is being considered by the Owners Corporation at the next Annual General Meeting, the Administrative Fund should be brought back into surplus by increasing the annual budget for the fund in deficit to cover both the anticipated expenditure for the financial year plus the deficit brought forward from the previous year.

2 Creditors Other – Admin	\$14,595.54
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New World Pumps – Invoice 96594	215.60
PCK Air & Electrical – Invoice 2370	528.00
Handyman Electrics – Invoice 622	899.25
D & N Plumbing Services – Invoice 54258	1,547.44
Steve Vogel The Tree Guy – Invoices 2043 & 2044	2,080.00
Allgate Automation – Invoice A63950	3,234.00
FlameSafe Fire Protection – Invoices F124427 & F123335	6,091.25

3 Provision Income Tax	(\$4,852.00)
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This amount represents the PAYG instalments paid during the year which will be deducted from the income tax payable when the tax return to 30 June 2024 is prepared and lodged.

4 Creditors Other – Capital Works	\$984.95
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Hills Irrigation – Invoice 110061	984.95
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21) In Applicants submission on 7 July 2025 (Paragraph 11.20), further evidence was provided of Bannermans Lawyers' contempt of court:

11.20) Ms. Jennifer Pham from Bannermans Lawyers failed to comply with Tribunal Order at Directions Hearing on 15 January 2025 to provide the Applicant with her response to statement of claim on or before 12 February 2025 and Tribunal Order at Directions Hearing on 20 February 2025 to provide the Applicant with a copy of all documents on or before 20 March 2025

11.20.1) On 15 January 2025 Tribunal made an order number 4 that the Respondent serves its written submission (no more than 5 A4 size pages) in reply to the Applicant's objection to legal representation and its points of defence by or before 12 February 2025.

11.20.2) Bannermans Lawyers failed to comply with Tribunal order and the Applicant never received their document, preventing him from properly preparing for second Directions Hearing on 20 February 2025, which was confirmed in the Applicant's email to NCAT on 14 February 2025 at 09:21 hours:

"Dear Tribunal members,

As of 14 February 2025 (three days after the deadline), SP52948 has not provided me with any responses, as listed in your Directions Hearing Order 4 on 15 January 2025. This abuse of the Tribunal processes has already happened six times before."

11.20.3) Ms. Pham provided false statements in her appearance at Directions Hearing on 20 February 2025. Evidence in certified audio recording obtained by the Applicant in file CIVIC17-1_20250220-0915_01db8377ee4e0900.mp3. She claimed that her responses were sent via courier and when the letter did not arrive to the Applicant she was never able to provide such evidence.

11.20.4) Applicant's Attachment 3 contains details of his email to Bannermans Lawyers, which was ignored by the Solicitors since 20 February 2025.

11.20.5) Applicant's Attachment 52 contains details of his email to NCAT, Waratah Strata Management, and committee members on 20 March, 23 March, and 27 March 2025.

Applicant wrote the following, in part of his complaint:

"SP52948 to provide unredacted evidence that these two submissions were delivered to Lot 158:

- NCAT Orders 4 and 5 at Directions Hearing on 15 January 2025 (deadline was 12 February 2025).*
- NCAT Orders 4 and 5 at Directions Hearing on 20 February 2025 (deadline was 20 March 2025).*

The is what is required for NCAT, NSW Fair Trading, and the Police (if the letters/parcels were not delivered to Lot 158, and they were stolen or misappropriated, they create risk to Lot 158 due to potential leaks of private and sensitive data):

- Proof that the respondent engaged Australia Post and/or express couriers to deliver printed files.*
- Proof of letter/parcel payments to Australia Post and/or express couriers.*
- Signature of the person(s) who received the documents.*
- Date and exact times when the parcels/letters were posted.*
- Date and time when parcels/letters were delivered to Lot 158.*
- Evidence of what Waratah Strata Management and committee members did when they received Lot 158 warnings about missing documents on 14 February 2025, 19 February 2025, and 20 March 2025."*

No responses were ever received.

22) Waratah Strata Management failed to comply with Bannermans Lawyers recommendation in their Standard Costs Agreement on page 2:

Recommendations

I provide the following recommendation which may change upon review of the written materials and evidence to be filed.

- Notify the strata schemes insurer about a claim on the legal defence costs cover.
- Display a copy of the Tribunal application on any noticeboard maintained by the owners corporation;
- Serve a copy of the Tribunal application on all owners, except any owners who are named as parties to the application;
- Consider the **attached** factsheets and flowchart concerning these types of matters, 'NCAT Strata Division Proceedings', 'Legal Representation in Home Building and Strata Cases', 'Costs Orders in NCAT Strata Disputes' and 'How Do Owners Corporations Engage Lawyers?'.

23) Waratah Strata Management failed to comply with Bannermans Lawyers recommendation for approval in their Standard Costs Agreement on page 2:

Approval

An owners corporation or strata committee must not obtain legal services for which payment may be required unless a resolution approving the obtaining of those services is passed at a general meeting of the owners corporation.

A strata committee may obtain legal services without obtaining approval at a general meeting where:

- (a) it is of the opinion that urgent action is necessary to protect the interests of the owners corporation and the costs of the legal services does not exceed \$15,000; or
- (a) non urgent action is necessary, and the costs of the legal services do not exceed \$3,000; or
- (b) it is necessary to obtain legal advice before commencing legal action; or
- (c) to take legal action to recover unpaid levy contribution, interest on unpaid contributions or related expenses; and
- (d) the general meeting has not restricted the strata committee from approving such a fee proposal; and
- (e) the secretary of the owners corporation has not received written notice opposing the approval by the strata committee from owners whose unit entitlements exceed one-third the aggregate unit entitlements.

24) Waratah Strata Management failed to comply with Bannermans Lawyers circulation in their Standard Costs Agreement on page 3:

Circulation

Section 105 of the *Strata Schemes Management Act 2015* provides that if the costs agreement and disclosure is required to be approved by general meeting, that the scheme must circulate the attached costs agreement and disclosure (not this cover letter) to all owners and committee members within 14 days of receipt.

Please note that the requirement to circulate the costs agreement and disclosure has been found by the courts to be directory and not mandatory. There is no penalty or apparent consequence for non-compliance with this requirement.

25) As of 18 September 2025, Waratah Strata Management failed to comply with Bannermans Lawyers requirements for engagement in their Standard Costs Agreement on page 3:

Engagement documents required	In order to engage our services please provide a copy of any of the readily available information:
	(a) signed costs agreement;
	(b) minutes resolving the suggested motions above;
	(c) strata plan;
	(d) common property certificate of title or title search;
	(e) any registered by-laws;
	(f) contact details of the owner;
	(g) witness contact details (to obtain a witness statement); and
	(h) any other relevant documents or correspondence.

26) Instead of strata manager Alex Tomasko, Bannermans Lawyers appeared at Directions Hearing on 20 February 2025 and wasted Tribunals time, without offering any evidence of their retainer, or disclosing that their Standard Costs Agreement exclusively stated attendance of only one Directions Hearing (page 5):

Please note this does not include:

- Attending more than one directions hearing
- Attending the Tribunal to obtain copies of any further submissions
- Drafting further submissions in response to any further submissions

The manner in which we propose that the work be conducted is as set out above.

We have an obligation, which we take seriously, to satisfy ourselves that you understand and give consent to the proposed course of action for conduct of the matter and the proposed costs. For that purpose, we have provided the information set out above and would appreciate your letting us know whether you require any clarification of this information or require any further information.

27) Bannermans Lawyers estimate of costs had limited scope and yet Waratah Strata Management refused to organise a general meeting:

Please note this does not include:

- Attending more than one directions hearing
- Attending the Tribunal to obtain copies of any further submissions
- Drafting further submissions in response to any further submissions

The manner in which we propose that the work be conducted is as set out above.

We have an obligation, which we take seriously, to satisfy ourselves that you understand and give consent to the proposed course of action for conduct of the matter and the proposed costs. For that purpose, we have provided the information set out above and would appreciate your letting us know whether you require any clarification of this information or require any further information.

28) Waratah Strata Management ignored Bannermans Lawyers warnings about costs in tribunal proceedings when one party was unreasonably disadvantaged in their Standard Costs Agreement on page 9:

The Tribunal may also award costs in the absence of special circumstances where:

- (i) the amount claimed or in dispute is between \$10,000 – \$30,000 and the Tribunal has deemed that a party has conducted the proceedings in such a way that unreasonably disadvantages the other party; or

9 of 13

23 December 2024
Bannermans Lawyers costs agreement to SP52948

- (ii) the amount claimed or in dispute is more than \$30,000.

In circumstances where costs are awarded, the Tribunal has the discretion to determine to what extent costs of the proceedings are awarded. This may be solely in relation to the costs of or incidental to the costs of the Tribunal proceedings.

29) As of 18 September 2025, Waratah Strata Management failed to provide any evidence of compliance with Bannermans Lawyers requirements for acceptance of their offer in their Standard Costs Agreement on page 12:

16. Acceptance of this offer

If you accept this offer you will be regarded as having entered into a costs agreement. This means you will be bound by the terms and conditions set out in this document, including being invoiced in accordance with it. Acceptance may be by any one of the following ways:

- 16.1** signing and returning a copy of this document; and/or
- 16.2** payment of money into my trust account for any anticipated costs; and/or
- 16.3** providing instructions to me or someone else in my office after receiving this document; and/or
- 16.4** oral acceptance.

30) In “PART 3: Bannermans Lawyers Solicitor Jennifer Pham misconduct and contempt of court at Directions Hearing on 20 February 2025 with additional evidence in certified audio recording obtained by the Applicant in file CIVIC17-1_20250220-0915_01db8377ee4e0900.mp3” of Applicants submission on 7 July 2025, evidence was provided about Bannermans Lawyers Ms. Pham misconduct:

3.1) Mr. Pham again did not bring any evidence of her retainer.

3.2) Mr. Stan Pogorelsky again did not appear at the Directions Hearing, in spite of being direct subject for one of the Applicant’s orders (direct Respondent).

3.3) When the Tribunal asked where the second Respondent was (Mr. Stan Pogorelsky), Ms. Pham replied with these exact words “No, I do not act for Mr. Pogorelsky”.

3.4) Ms. Pham did not provide any evidence that all nine members of the committee received the Applicant’s submissions and Solicitor’s Standard Costs Agreement before committee meetings on 6 January and 6 February 2025.

3.5) Ms. Pham did not provide any evidence that all owners and tenants received the Applicant’s submissions and Solicitor’s Standard Costs Agreement before committee meetings on 6 January and 6 February 2025.

3.6) Applicant made a statement that Admin Fund already recorded legal expenses around \$3,000.00 without evidence of signed Standard Costs Agreement or proofs of validity of committee meetings on 6 January 2025 and 6 February 2025.

3.7) Applicant firmly stated that the committee meetings dated 6 January 2025 and 6 February 2025, which allegedly approved Bannermans Lawyers engagement, were non-compliant with strata laws.

3.8) Applicant made a complaint that he still did not receive Respondent’s points of claim, as per Tribunal orders made on 15 January 2025 and questioned if he was forced to change summonses for Mr. Pogorelsky several times due to simple procedural errors, should the same apply to Bannermans Lawyers.

Ms. Pham denied the allegations and made a claim that she sent the points of claim via email (which the Applicant did not receive) and via courier.

Straight after the Directions Hearing, Applicant sent a request to Bannermans Lawyers to provide evidence of courier delivery (date, time, tracking number) – Applicant’s Attachment 3. They never responded and the courier has never delivered such document to the Applicant.

3.9) Bannermans Lawyers failed to respond to Applicant’s email since 20 February 2025 – Applicant’s Attachment 3.

3.10) After appearing at the Hearing on 22 April 2025 where two Bannermans Lawyers still failed to produce evidence of their retainer, they stayed silent to Applicant's email since 23 April 2025 - Applicant's Attachment 4.

3.11) Bannermans Lawyers failed to respond to Applicant's email on 24 April 2025 - Applicant's Attachment 5.

31) Applicant provided special folder to NCAT and the Respondents on 7 July 2025. It was titled:

Respondents' false statements, persistent contempt of court, and evidence since Hearing on 22 April 2025

31.1) In part 6 of Applicant's folder, paragraph 6.1 was titled:

Committee meeting on 6 January 2025 non-compliant, void, and invalid in its entirety - doctrine of approbate and reprobate, and legal principles of ratification

31.2) Waratah Strata Management and committee members hid information that owners (including Mr. Stan Pogorelsky) did not pay gas heating levies in May 2024 and failed to collect 10% simple interest per year for overdue levies. First pages of Income & Expenditure Reports for May, June, July, August 2024 and up to 16 September 2024 confirm unpaid gas heating levies – Applicant's Attachment 57. Gas heating levies appeared for FY 2024 (financial year ending on 31 August 2024) for the first time on 17 September 2024, without 10% simple interest for overdue payments.

31.3) Waratah Strata Management and committee members hid information that owners (including Mr. Stan Pogorelsky) did not pay gas heating levies in May 2025 and failed to collect 10% simple interest per year for overdue levies – first pages of Income & Expenditure Reports for May and June 2025 and up to 6 July 2025 confirm unpaid gas heating levies – Applicant's Attachment 58.

31.4) Mr. Pogorelsky continued to deceive the Tribunal and failed to refute evidence that he owed SP52948 at least \$13,091.39 in unpaid gas heating levies (including 10% interest per year) since 1999. Calculations were done as per Mr. Stan Pogorelsky's own secret spreadsheet and available financials in Applicant's Applicant's Attachment 15 and 16.

31.5) Evidence that notice for committee meeting on 6 January 2025 was published on six notice boards on 24 December 2024 (one day before most important public holidays in Australia) without detailed agenda (only two pages long) and without a copy of Bannermans Lawyers Standard Costs Agreement is in Applicant's Attachment 18.

31.6) Before and at first Directions Hearing on 15 January 2025 (even as late as 29 January 2025), owners did not receive full copies of the applications in NCAT case 2024/00454780, when a second desperate committee meeting for 6 February 2025 was scheduled on 24 January 2025. Strata manager did not provide owners with any of these documents related to NCAT case, in spite of the Applicant's pleas and warnings that all owners and tenants should receive them in a timely manner:

- Application Notice, issued by NCAT on 6 December 2024.
- Notice of Directions Hearing, issued by NCAT on 10 December 2024.
- Two more Applicant's Orders, as per email by NCAT on 10 December 2024.
- Mr. Stan Pogorelsky still UNFINANCIAL and ILLEGAL TO VOTE and BE COMMITTEE MEMBER, Applicant's email on 22 December 2024.
- Request for summons to Stan Pogorelsky, Applicant's email on 12 January 2025.
- Applicant's files, as per email on 14 January 2025.
- Bannermans Lawyers conflict of interest, Applicant's email on 15 January 2025.

31.7) In his witness statement on 20 March 2025, Mr. Pogorelsky deliberately prevented the Tribunal from having details of the agenda for the committee meeting dated 6 January 2025. Agenda was not provided to the Applicant and the Tribunal.

31.8) At second and third Directions Hearing, and full Hearing on 22 April 2025, Respondent coerced the Tribunal that committee meeting on 6 February 2025 in Motion 2 ratified only Motion 9 at committee meeting on 6 January 2025, without offering evidence. Other eight Motions at committee meeting on 6 January 2025 were not ratified on 6 February 2025.

31.9) Respondent and Bannermans Lawyers were well aware of weak defence for declaring committee meetings on 6 January and 6 February 2025 valid, so they rushed through process to run the electronic only pre-meeting voting Extraordinary General Meeting on 1 May 2025 (well after the Hearing on 22 April 2025), without notifying the Tribunal. That EGM is addressed separately.

31.10) AGM 2024 did not have Motion that SSMA prescribes for conducting electronic pre-meeting voting, as example from BCS Strata Management agenda for SP3840 on 25 March 2022 shows:

VOTING BY ELECTRONIC MEANS

Motions

- 3.1. That pursuant to Regulation 14 (1) (b) of the *Strata Schemes Management Regulation 2016 (NSW)*, the owners corporation approve the adoption of voting wholly by electronic pre-meeting voting for the next general meeting of the owners corporation.

Explanatory Note

Regulation 14 provides that an owners corporation or strata committee may adopt various electronic means of voting to apply to the next meeting of the owners corporation or strata committee. The motion above is to allow pre-meeting electronic voting through the means of Strata Vote or electronic voting paper.

31.11) How can EGM on 27 May 2025 ratify Motion 9 at committee meeting dated 6 January 2025, but did not ratify Motion 7 (other means of voting) which was the primary prerequisite to allow SP52948 to conduct so-called electronic general meeting only (no public present) for the first time since SP52948 was established in 1997 (even during Covid-19 period that did not happen)?

31.12) Adjourned electronic only pre-meeting voting EGM on 27 May 2025 in Motion 3 allegedly only ratified Motion 9 from committee meeting on 6 January 2025, whilst ignoring all others. Doctrine of approbate and reprobate (“you can’t have your cake and eat it too”). The phrase is borrowed from the Scotch law, where it is used to express the principle embodied in our doctrine of election – namely, that no party can accept and reject the same instrument. The doctrine of election is not however confined to instruments. A person cannot say at one time that a transaction is valid and thereby obtain some advantage, to which he could only be entitled on the footing that it is valid, and then turn round and say it is void for the purpose of securing some other advantage.

31.13) Part 18 and Attachments 57 and 58 of Applicant’s folder on 7 July 2025 provide evidence that Waratah Strata Management and committee members hid information that owners (including Mr. Stan Pogorelsky) were not listed for paying gas heating levies from May 2024 up to 16 September 2024, and May 2025 up to 1 July 2025, and failed to collect 10% simple interest per year for overdue levies.

In Court of Appeal, Supreme Court New South Wales case *The Owners - Strata Plan No 70798 v Bakkante Constructions Pty Ltd* [2014] NSWCA 410 dismissed owners corporation appeal and efforts to rely on belated ratification:

“The primary judge dismissed the motion. He did so having formed the view that the owners corporation had taken a “deliberate and informed choice not to agitate ratification prior to the hearing in June 2013”. That would appear to have been the primary factor on which he relied, although his reasons also address other concerns (including the need for there to be finality in litigation, the non-disclosure to the meeting in August of the decision not to seek ratification prior to the four day hearing in June 2013, inadequacy of the disclosure to the meeting in August 2013, legal doubt as to whether the mechanism pursuant to which the meeting was conducted (by the appointment of a strata managing agent pursuant to s 162 of the Act, who exercised powers in accordance with the votes of lot owners) was applicable, the fact that the validity of the August 2013 meeting was itself the subject of other proceedings, and some concerns over conflicts of interest). The final consideration relied upon by his Honour was that there had not been full disclosure to the (new) counsel who had been retained, whose advice was provided to the meeting, including of the fact that in June 2013 a deliberate decision had been taken not to hold a meeting to approve the litigation.”

31.14) For Motion to be ratified, full disclosure must be present. The ratification of a lawful contract 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 mandata 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.

32) There were nine motions for meeting on 6 January 2025 and Waratah Strata Management, as of 18 September 2025 failed to comply with Motions 3, 4, 5, and 6:

- Motion 1 That the minutes of the last meeting of the strata committee held on 2 April 2024 be confirmed.
- Motion 2 That the office bearers positions for chairperson, treasurer & secretary will be nominated and elected.
- Motion 3 That the strata committee resolves to authorise the strata manager 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, this year and on an ongoing basis and to charge in accordance with the terms of its agency agreement including charging the disbursements of \$3 per lot specified under the relevant regulation, or such amount as it is determined from time to time.
- Motion 4 That the strata committee resolves to appoint one of the below as the NSW Strata Hub emergency contact in accordance with Part 7 Division 2 of the Strata Schemes Management Regulation 2016 and for their details to be inputted into the NSW Strata Hub.

Motion 4 Alternatives for Appointment of Emergency Contact (Option A) The Strata Managing Agent (Option B) The Chairperson (Option C) The Secretary.

- Motion 5 That the Chairperson's contact information be recorded on the NSW Strata Hub.
- Motion 6 That the secretary's contact information be recorded on the NSW Strata Hub.
- Motion 7 That the strata committee adopts the following alternate means of voting for meeting of the strata committee:
 1. Voting by means of teleconference while participating in a meeting from a remote location;
 2. Voting by means of video-conferencing while participating in a meeting from a remote location;
 3. Voting by means of email participating in a meeting from a remote location;
 4. Voting by means of other electronic means participating in a meeting from a remote location;
 5. Voting by means of email before the meeting; or
 6. Voting by means of other electronic means before the meeting.
- Motion 8 That the strata committee review the Notice of Directions Hearing and NCAT Tribunal Application, case number 2024/00454780.
- Motion 9 The owners corporation/ strata committee resolves to:
 1. Engage Bannermans, Lawyers in accordance with its fee proposal dated 23 December 2024 to undertake the activities referred to defend NCAT proceedings against Applicant; and
 2. That the strata committee service as point of contact to provide the owners corporation's instructions to Bannermans Lawyers or if leave is not granted for Bannermans to legally represent, for the committee to appear with the support of Bannermans.

33) Bannermans Lawyers were fully aware of Applicant's warnings the Respondents did not share with owners information that legal expenses grew in amount of \$52,510.71 without valid general or committee meetings.



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Eastwood NSW 2122
PO Box 125, Eastwood NSW 2122
02 9114 9599
waratahstrata.com.au

Income & Expenditure Report for the financial year-to-date 01/09/2025 to 18/09/2025

Strata Plan 52948

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

Administrative Fund		
	Current period 01/09/2025-18/09/2025	Previous year 01/09/2024-31/08/2025
Revenue		
142500 Interest on Arrears--Admin	50.20	1,131.30
142800 Key Deposits	0.00	467.00
143000 Levies Due--Admin	0.00	1,220,000.00
146500 Status Certificate Fees	218.00	981.00
147000 Strata Roll Inspection Fees	0.00	302.55
<i>Total revenue</i>	<u>268.20</u>	<u>1,222,881.85</u>
Less expenses		
150200 Admin--Accounting	0.00	800.00
153800 Admin--Agent Disbursements	1,340.75	15,322.80
150800 Admin--Auditors--Audit Services	0.00	1,500.00
153000 Admin--Key Deposit Refunds	0.00	(244.00)
153200 Admin--Legal & Debt Collection Fees	1,504.20	52,510.71

33.1) Applicant forced the Respondent to publish the latest legal expenses (there was a possibility for them to be "moved" into next financial year). On 10 August 2025, Applicant warned the Respondents that owners were already suffering: above \$37,000.00 in legal fees for NCAT case this year (and that did not include unpaid Bannermans Lawyers attendance without valid legal representation at Hearing on 22 July 2025, which Mrs. Genelle Godbee (one of committee members) was trying to delay after the Hearing (Applicant personally overheard her talk with Ms. Pham about it and raising concerns about high legal expenses)). Hiding such payment was very dangerous in legal terms.

34) In accordance with Section 105 of the SSMA 2015, the cost and disclosure of legal expenses above \$15,000.00 should have been obtained at general meeting, which did not happen:

- At Extraordinary General Meeting on 1 May 2025 (legal costs were \$26,388.87 on the day).
<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-1May2025.pdf>
- At adjourned Extraordinary General Meeting on 27 May 2025 (legal costs were \$35,908.38 on the day).
<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-27May2025.pdf>
- Notice for Extraordinary General Meeting on 30 June 2025 (legal costs were \$36,270.28 on the day).
<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-30Jun2025.pdf>

At Extraordinary General Meeting on 21 July 2025 (legal costs were \$37,493.28 on the day).

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-21Jul2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-minutes-EGM-21Jul2025.pdf>

35) Any defence to use EGM on 21 July 2025 as evidence of approved Minutes of EGM on 27 May 2025 is easy to refute, starting with the fact that it was yet another non-compliant meeting: it 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).

Meeting Details	Calculation of delivery
Notice and minutes of EGM on 21 July 2025, not yet justified by Bannermans Lawyers	<p>30 June 2025, Day of Notice, postage date not included</p> <p>1 July 2025, First Working Day</p> <p>2 July 2025, Second Working Day</p> <p>3 July 2025, Third Working Day</p> <p>4 July 2025, Fourth Working Day</p> <p>5 July 2025, Saturday</p> <p>6 July 2025, Sunday</p> <p>7 July 2025, Fifth Working Day</p> <p>8 July 2025, Sixth Working Day</p> <p>9 July 2025, Seventh Working Day, notice effective</p> <p>10 July 2025, First Notice Day</p> <p>11 July 2025, Second Notice Day</p> <p>12 July 2025, Third Notice Day</p> <p>13 July 2025, Fourth Notice Day</p> <p>14 July 2025, Fifth Notice Day</p> <p>15 July 2025, Sixth Notice Day</p> <p>16 July 2025, Seventh Notice Day</p> <p>17 July 2025, Eight Notice Day</p> <p>18 July 2025, Ninth Notice Day</p> <p>19 July 2025, Tenth Notice Day</p> <p>20 July 2025, Eleventh Notice Day</p> <p>Three Notice Days Missing!</p> <p>21 July 2025, Date of Meeting, not counted</p>

35.1) At Hearing on 22 July 2025, Bannermans Lawyers, Waratah Strata Management, and committee members failed to inform the Tribunal about the EGM that allegedly happened the previous day, which, in Motion 1, “approved” Minutes of EGM dated 27 May 2025 without disclosure of full information.

35.2) Applicant, as usual, did not received the notice for this meeting and there is no evidence that any other owner who relied on the post received it on time.

Applicant was denied rights to vote.

35.3) Waratah Strata Management first time published the agenda for this EGM four days after the meeting:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-agenda-for-EGM-on-21Jul2025-first-time-published-on-waratahstrata-website-in-Documents-folder-four-days-after-meeting-25Jul2025.pdf>

35.4) The EGM on 21 July 2025 had only two Motions, where Second Motion required Special Resolution and registration or update of the By-Laws and change to the common property:

Motion 1	
Minutes	Ordinary Resolution
THAT the minutes of the last general meeting 27 May 2025 be confirmed as a true record and account of the proceedings of that meeting.	
Motion CARRIED.	

Motion 2			
Quotation Approval - Storage Cage	Special Resolution Submitted by Strata Manager	By Poll	
That the Owners – Strata Plan No. 52948, SPECIALLY RESOLVE pursuant to Section 108 of the Strata Schemes Management Act 2015 (NSW) to approve the installation of a wire mesh storage cage within the common property car park area for the purpose of securely housing the building managers equipment and items, on the following terms:			
<div>1. Purpose of the Cage</div> <div>The storage cage is intended to:</div> <div><div><div>○ Consolidate and securely store various items currently located in individual garages and used for the maintenance and management of the scheme;</div><div>○ Store gardening tools and equipment used for routine property upkeep by the Building Manager;</div><div>○ Eliminate the use of private garages for storage.</div></div></div> <div>2. Specifications of the Enclosure</div> <div><div><div>○ Dimensions: 5.6 metres (length) x 1.9 metres (depth);</div><div>○ Location: Positioned along the wall where the hydrant hose is located, maintaining a 1.3-metre clearance from the hydrant to ensure adequate access;</div><div>○ Access: The front of the cage will feature double access gates for ease of use and will be secured, with the Building Manager afforded access;</div><div>○ Design: Constructed using wire mesh to match the existing mesh design of the garages to ensure visual consistency.</div></div></div> <div>3. All associated costs for the construction and installation of the cage are to be met by the Owners Corporation - as detailed in quotation #MG338 provided by Handyman Electrics P/L.</div>			
Motion CARRIED. VOTES (entitlement)		Yes : 1374	No: 44 Abs: 0 Inv: 0

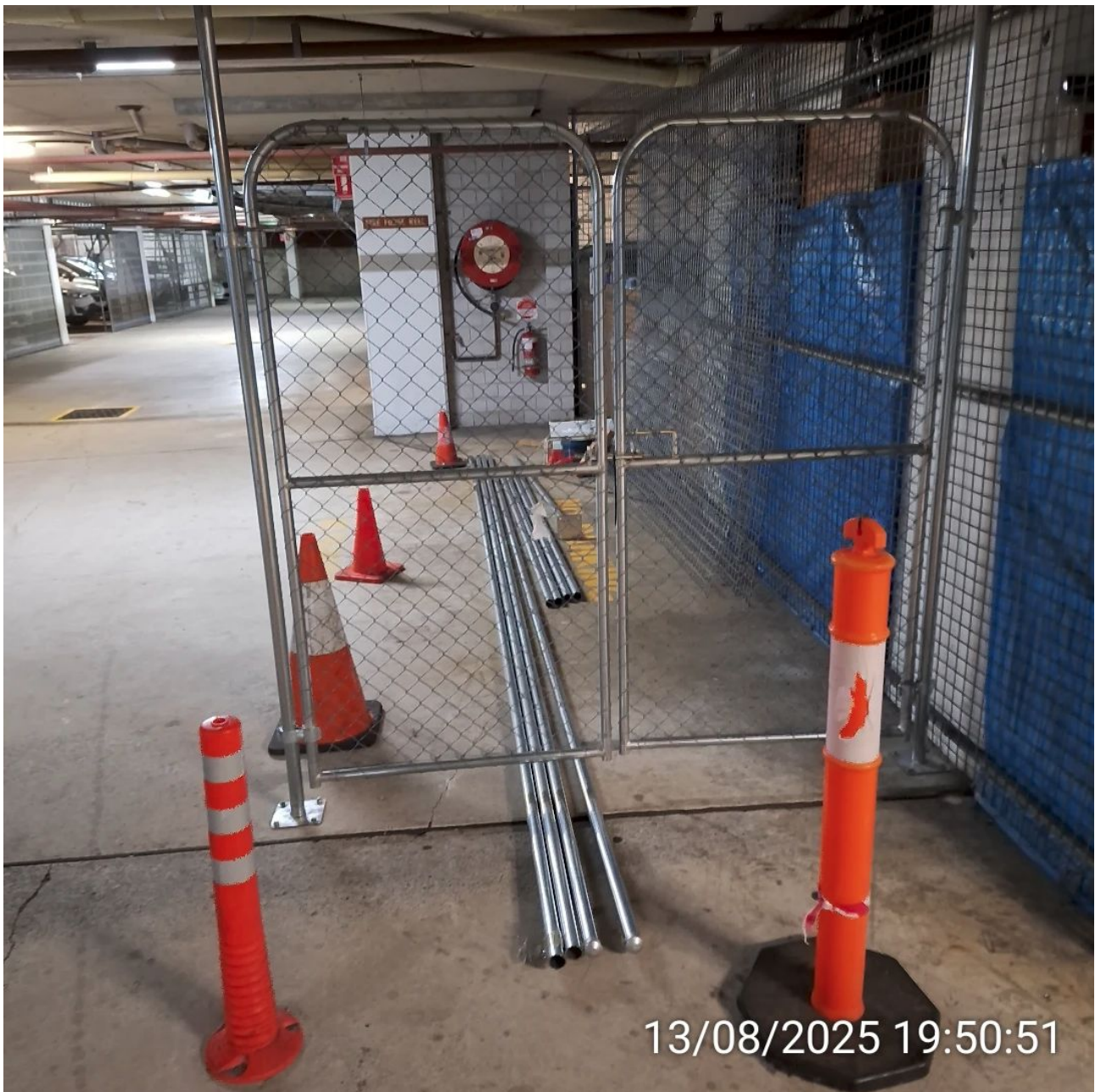
35.5) Uniqueco Property Services started preparing the area for the cage installation near fire hydrant in basement of Block D around 2 August 2025, without evidence of registration/updates of common property change or By-Laws:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Block-D-basement-preparation-for-storage-cage-installation-without-evidence-of-registered-Special-By-Law-photo-2-2Aug2025.webp>



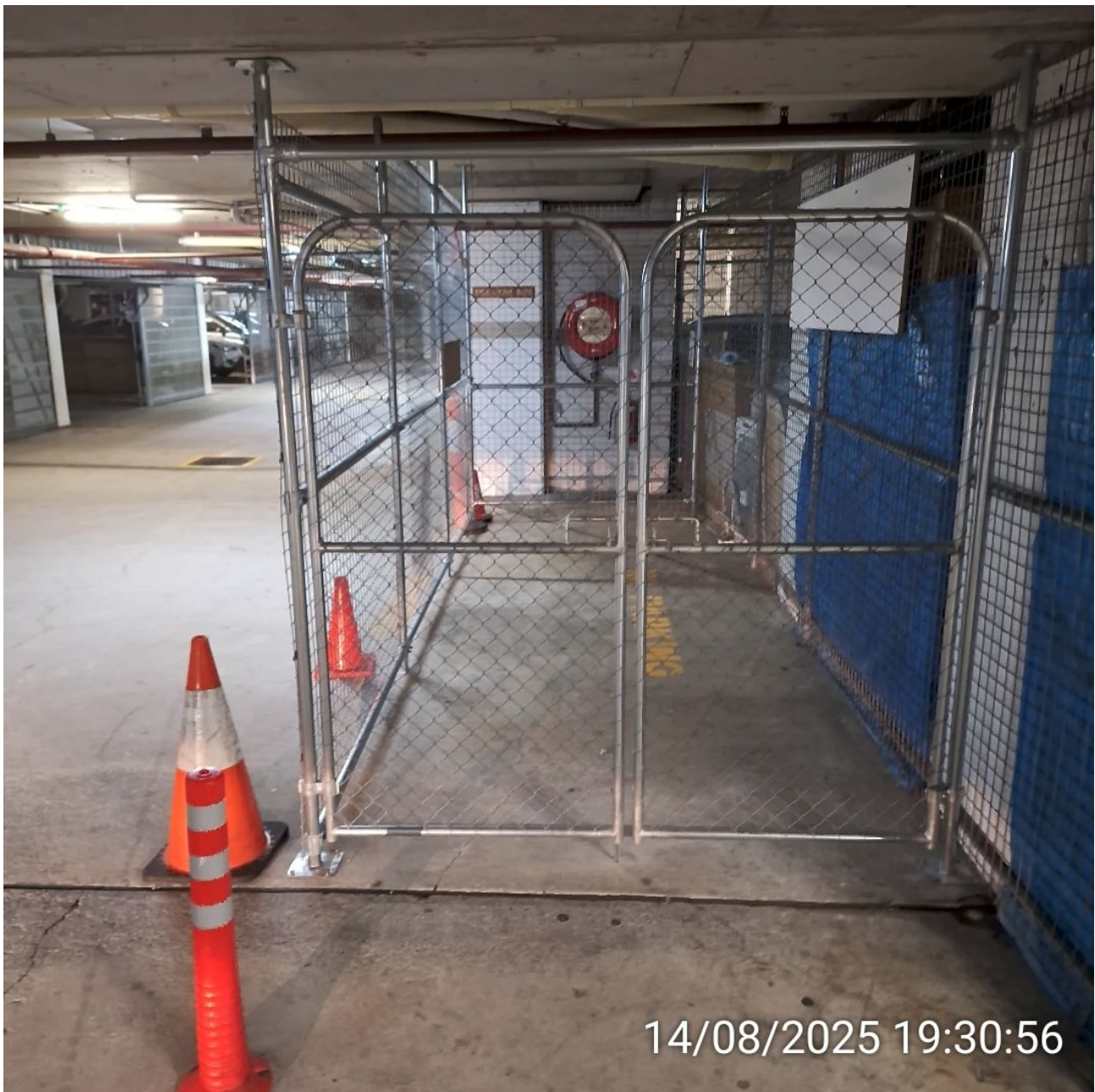
35.6) Around 13 August 2025, Uniqueco Property Services supervised the work for the cage installation near fire hydrant in basement of Block D, without evidence of registration/updates of common property change or By-Laws:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Block-D-basement-cage-installation-started-without-evidence-of-registered-Special-By-Law-13Aug2025.webp>



35.7) On 14 August 2025, work for the cage installation near fire hydrant in basement of Block D was completed, without evidence of registration/updates of common property change or By-Laws:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Block-D-basement-cage-installation-completed-without-evidence-of-registered-Special-By-Law-14Aug2025.webp>



35.8) On 17 August 2025, the cage was fully occupied, without evidence of registration/updates of common property change or By-Laws:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Block-D-basement-cage-fully-utilised-without-evidence-of-registered-Special-By-Law-17Aug2025.webp>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Block-D-basement-cage-fully-utilised-without-evidence-of-registered-Special-By-Law-17Aug2025.mp4>



36) As of 18 September 2025, Waratah Strata Management, Bannermans Lawyers, and committee members failed to provide evidence of updated By-Laws and registrations of changes to common property for major renovations, where some of them were even completed without approvals at general meetings and for one owner, Lot 79, Bannermans Lawyers had direct conflict of interest because the owner proceeded with the renovations without general meeting:

- Lot 5 (not approved any any legally-convened general meeting and not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 7 (major renovations approved at SP52948 Extraordinary General Meeting dated 30 November 2023, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), and Interpretation Act 1987 (NSW), and allowed Lot 7 to attend the general meeting and vote, in spite of being unfinancial; not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 8 (major renovations approved at SP52948 Extraordinary General Meeting dated 22 February 2024, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), and Interpretation Act 1987 (NSW), not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 27 (major renovations approved at SP52948 Extraordinary General Meeting dated 27 April 2023, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), and Interpretation Act 1987 (NSW); not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 39 (major renovations approved at SP52948 Extraordinary General Meeting dated 30 November 2023, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), and Interpretation Act 1987 (NSW); not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 72 (major renovations approved at SP52948 Extraordinary General Meeting dated 17 August 2023, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), and Interpretation Act 1987 (NSW); not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 79 (major renovations started without owners corporation meeting approval, including noise on 3 November 2024; major renovations approved at SP52948 Annual General Meeting dated 28 November 2024, as organised by Waratah Strata Management and directly orchestrated by Bannermans Lawyers, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA); not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services):

[SP52948-AGM-2024-Motion-23-Lot-79-major-renovations-full-details-28Nov2024](#)

[NCAT-2024-000454780-Bannermans-Lawyers-failed-to-provide-their-signed-Standard-Costs-Agreement-23Apr2025](#)

[NCAT-2024-00454780-001-Bannermans-Lawyers-conflict-of-interest-and-disclosure-public](#)

[NCAT-2024-00454780-Bannermans-Lawyers-failed-to-respond-about-their-illegal-representation-since-20Feb2025](#)

[SP52948-Lot-158-warning-to-Bannermans-Lawyers-about-NCAT-case-2024-00454780-20Feb2025](#)

- Lot 86 (major renovations approved at SP52948 Extraordinary General Meeting dated 22 February 2024, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), and Interpretation Act 1987 (NSW), not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 87 (not approved any any legally-convened general meeting and not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)

- Lot 103 (major renovations approved at SP52948 Extraordinary General Meeting dated 27 April 2023, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), and Interpretation Act 1987 (NSW); not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 104 (not approved any any legally-convened general meeting and not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 116 (major renovations approved at SP52948 Extraordinary General Meeting dated 22 February 2024, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), and Interpretation Act 1987 (NSW), not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 139 (not approved any any legally-convened general meeting and not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 140 (not approved any any legally-convened general meeting and not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 143 (not approved any any legally-convened general meeting and not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 149 (not approved any any legally-convened general meeting and not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 170 (not approved any any legally-convened general meeting and not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Metal cage installation in basement of Block D, near fire hydrant

37) Waratah Strata Management, Bannermans Lawyers, and committee members hid information that owners (including Mr. Stan Pogorelsky) did not pay gas heating levies in May 2024 and failed to collect 10% simple interest per year for overdue levies. First pages of Income & Expenditure Reports for May, June, July, August 2024 and up to 16 September 2024 confirm unpaid gas heating levies – Applicant’s Attachment 57 dated 7 July 2025. Gas heating levies appeared for FY 2024 (financial year ending on 31 August 2024) for the first time on 17 September 2024, without 10% simple interest for overdue payments.

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-31May2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-30Jun2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-31Jul2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-31Aug2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2024-to-16Sep2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2024-to-17Sep2024.pdf>

38) Waratah Strata Management, Bannermans Lawyers, and committee members hid information that owners (including Mr. Stan Pogorelsky) did not pay gas heating levies in May 2025 and failed to collect 10% simple interest per year for overdue levies – first pages of Income & Expenditure Reports for May and June 2025 and up to 18 August 2025 confirm unpaid gas heating levies – Applicant’s Attachment 58 dated 7 July 2025.

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-31May2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-30Jun2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-31Jul2025-downloaded-on-1Aug2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-31Aug2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-31Aug2025-downloaded-3Sep2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2025-to-18Sep2025.pdf>

39) Mr. Pogorelsky continued to deceive the Tribunal and failed to refute evidence that he owed SP52948 at least \$13,091.39 in unpaid gas heating levies (including 10% interest per year) since 1999. Calculations were done as per Mr. Stan Pogorelsky's own secret spreadsheet and available financials in Applicant's Attachment 15 and 16:

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

Mr. Pogorelsky made significantly different claims about his paid gas heating levies. In the first (secret) document, which he sent to then-Chairperson Mr. Bruce Copland and BCS Strata Management on 10 June 2015 and return of summonses on 17 March 2025:

Stan Pogorelsky			
Gas Charges paid by S & T Pogorelsky on unit 181 - SP52948			
From 1999 to 2018			
Date Paid	Period applicable	\$	
1999	1/9/99 to 31/8/2000		Moved in 1/11/98
2000	23/08/2000	100.00	1/9/2000 to 31/8/01
2001	1/08/2001	50.00	1/9/01 to 31/8/02
2002	21/07/2002	55.00	1/9/02 to 31/8/03
2003	31/07/2003	55.00	1/9/03 to 31/8/04
2004	1/11/2004	55.00	1/9/04 to 31/8/05
2005	1/11/2005	55.00	1/9/05 to 31/8/06
2006	1/11/2006	55.00	1/9/06 to 31/8/07
2007	1/11/2007	55.00	1/9/07 to 31/8/08
2008	1/11/2008	55.00	1/9/08 to 31/8/09
2009	26/10/2009	55.00	1/9/09 to 31/8/10
2010	24/10/2010	55.00	1/9/10 to 31/8/11
2011	7/11/2011	55.00	1/9/11 to 31/8/12
2012			Not billed by BCS
2013			Not billed by BCS
2014	1/08/2014	55.00	1/9/13 to 31/8/14
2015	1/09/2015	311.66	1/9/14 to 31/8/15
2016	3/11/2015	55.00	1/9/15 to 31/10/15
	1/02/2016	55.00	1/11/15 to 31/1/16
	2/05/2016	55.00	1/2/16 to 30/04/16
	1/08/2016	18.34	1/5/16 to 31/7/16
	20/09/2016	36.66	1/8/16 to 31/8/16
2017	1/05/2017	220.00	1/9/16 to 31/10/16
			220.00 Billed by Waratah
From our AGM in November 2014 new rate is \$50+\$5 per quarter and should be billed quarterly on BCS statement to unit holders			
In summary I owe you \$110.00 for 2012 and 2013. And \$18.33 x 2 = \$36.66 for Sept & Oct 2014			
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.			

Boydell

Notes:

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

Both documents contain significant number of false and misleading information, which will be presented to NCAT at Hearing on 21 October 2025.

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

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

- Police Events 174560202 and E65804633 for five fraudulent insurance claims and forgery of statements in Statutory Declaration to CTTT in case SCS 12/32675 on 19 April 2013, forgery of signature on Mueller's Standard Costs Agreement, Affidavit to District Court in February 2014, forgery of statements and invoices to NCAT and Supreme Court in case SC 20/33352 in 2022) as orchestrated by Solicitor Adrian Mueller.
- NSW Fair Trading complaint 11317277 (escalation to NSW Fair Trading Commissioner Natasha Mann).
- NSW Fair Trading case C2025/7500 - Matters Involving Waratah Strata Management Pty. Ltd.
- Office of Legal Services Commissioner's case CAS016659 for Solicitor Adrian Mueller misconduct and criminal actions.
- Case PSD2024_58792 with The Law Society of NSW for Solicitor Adrian Mueller misconduct and criminal actions, as referred by the Office of Legal Services Commissioner.
- Office of Legal Services Commissioner's case CAS022167 for Solicitor Ms. Jennifer Pham misconduct (even they could not force Ms. Pham to provide evidence of her legal engagement).
- Case PSD2025_61759 with The Law Society of NSW for Solicitor Ms. Jennifer Pham misconduct, as referred by the Office of Legal Services Commissioner (even they could not force Ms. Pham to provide evidence of her legal engagement).

- Dubious ransomware attack against Waratah Strata Management with secret Bitcoin payment in amount of \$5,052.03 and refusal by the Respondents to co-operate in CIRS-20190810-40.
- Australian Taxation Office case 2410206414046.
- Australian Competition & Consumer Commission case 345200.
- City of Ryde issued yet another warning about fire safety non-compliance on 31 March 2025.
- Significantly underinsured complex by \$23,522,500.00 for buildings in March 2025 with secret insurance commissions in amount of \$13,750.00.

Two fresh cases initiated with Office of Legal Services Commissioner and The Law Society of NSW for Solicitor Ms. Jennifer Pham misconduct in August 2025.