

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 and basic comments
Committee meeting which allegedly approved engagement of Bannermans Lawyers on 6 January 2025 was not listed in Mr. Pogorelsky's witness statement, as submitted by Bannermans Lawyers on 20 March 2025, with premeditated and deliberate intentions to hamper Tribunal investigations	<p>24 December 2024, Day of notice put on notice boards and published, Postage date not included</p> <p>25 December 2024, Christmas Day</p> <p>26 December 2024, Boxing Day</p> <p>27 December 2024, First Working Day</p> <p>28 December 2024, Saturday</p> <p>29 December 2024, Sunday</p> <p>30 December 2024, Second Working Day</p> <p>31 December 2024, Third Working Day</p> <p>1 January 2025, New Year's Day</p> <p>2 January 2025, Fourth Working Day</p> <p>3 January 2025, Fifth Working Day</p> <p>4 January 2025, Sixth Working Day</p> <p>5 January 2025, Seventh Working Day</p> <p>Three Notice Days Missing!</p> <p>6 January 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 alleged 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) Waratah Strata Management and committee members received number of serious complaints from the Applicant about mismanagement of the complex and they were made aware of NCAT case as early as 10 December 2024.

They ignored the Applicant and delayed taking an action until 24 December 2024 when Waratah Strata Management sent incomplete agenda for committee meeting to some owners (Applicant did not receive it and was denied rights to vote).

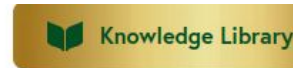
Applicant also made three submissions about Mr. Stan Pogorelsky's unfinancial status during December 2024:

Re: SUMMARY SP52948 Lot 158 comments and amendments for AGM 2024 on 15Nov2024	nicolas.cozic@waratah...	28/11/24, 16:33
Re: SUMMARY SP52948 Lot 158 comments and amendments for AGM 2024 on 15Nov2024	nicolas.cozic@waratah...	28/11/24, 16:33
SPOILER ALERT Stan Pogorelsky still UNFINANCIAL and ILLEGAL TO VOTE and BE COMMITTEE MEMBER as of 1 De...	nicolas.cozic@waratah...	1/12/24, 09:26
Re: SPOILER ALERT Stan Pogorelsky still UNFINANCIAL and ILLEGAL TO VOTE and BE COMMITTEE MEMBER as of 1...	nicolas.cozic@waratah...	1/12/24, 13:19
SUMMARY NCAT case 2024/00454780-001 and order to remove Stan Pogorelsky as committee member	nicolas.cozic@waratah...	10/12/24, 13:09
SUMMARY NCAT case 2024/00454780-001 and order to remove Stan Pogorelsky as committee member	nicolas.cozic@waratah...	10/12/24, 13:09
UPDATES - NCAT case 2024/00454780-001 Stan Pogorelsky still UNFINANCIAL and ILLEGAL TO VOTE and BE COM...	nicolas.cozic@waratah...	22/12/24, 19:14

3) The meeting as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW).

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

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



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

POSTED 08 DECEMBER 2023

Category: [Strata](#)

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

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

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

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 failed to comply with Tribunal orders for access to strata files.

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

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

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

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

N Vrabac, Senior Member

Issued: 22 April 2025



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

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

N Vrabac, Senior Member

Issued: 22 July 2025



4.1) Bannermans Lawyers tried to bully the Applicant on 15 August 2025:

<https://www.nswstratasleuth.info/SP52948-year-2025/NCAT-case-2024-00454780-Bannermans-Lawyers-attempt-of-bullying-whilst-not-complying-with-Tribunal-orders-two-times-15Aug2025.pdf>

Extract from the Applicant's response:

Subject: REFUSED extension of time NCAT 2024/00454780-001 – Lot 158 v Strata Plan 52948

From: SP52948 Lot 158 owner

Date: 15/8/25, 19:00

To: Jennifer Pham Bannermans Lawyers

CC: Joseph Bannerman, Stan Pogorelsky

Genelle Godbee, Ramesh Kamini, Joe Spatola

Alex Tomasko Waratah Strata Management

Dear Bannermans Lawyers,

I just saw this email sent in rush by you today. Reasonable person would conclude that it appears you counted on the Applicant not seeing this email until next week (weekend has already started), when it would have been "too late" for them to respond. Not a very nice action by you, who claim to have high skills and reputation.

People in panic almost always make serious mistakes. And you are giving me "the deadline" of one working day (by 18 August 2025 at 10:00)!? Very generous, indeed!

Please do not insult the Applicant's character with the baseless and weak excuses whilst seeking extension of time. The Respondents are persistently exhibiting contempt of court and wasting Tribunal and my time, at high cost to owners without any benefits.

Had the Respondents acted with any decency and ethics, and informed all owners of this NCAT case in a proper manner, the Applicant would have considered an option to help them.

Three attachments, created or orchestrated by Mr. Pogorelsky whilst he was unfinancial (without full disclosure to owners and the Tribunal), best show our points:

- Mr. Pogorelsky's submission to CTTT in case SCS 11/00711.
- Mr. Pogorelsky's submission to CTTT in case SCS 12/05845.
- Mr. Pogorelsky's secret letter to all owners (not sent to the Applicant) on 20 July 2017, with horrendous lies with attempt to discredit the Applicant.

The Respondents do not selectively choose when to contact the Applicant and when to ignore them.

NCAT case is not a game and not something for the Respondents to play with. I am sure you are aware that another submission to OLSC about Ms. Pham's misconduct will happen next week. This email will be part of that submission.

5) 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:

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)

6) 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

6.1) 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

6.2) 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>

6.3) 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>

6.4) 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 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	1/9/2000 to 31/8/01	100.00
2001	1/08/2001	1/9/01 to 31/8/02	50.00
2002	21/07/2002	1/9/02 to 31/8/03	55.00
2003	31/07/2003	1/9/03 to 31/8/04	55.00
2004	1/11/2004	1/9/04 to 31/8/05	55.00
2005	1/11/2005	1/9/05 to 31/8/06	55.00
2006	1/11/2006	1/9/06 to 31/8/07	55.00
2007	1/11/2007	1/9/07 to 31/8/08	55.00
2008	1/11/2008	1/9/08 to 31/8/09	55.00
2009	26/10/2009	1/9/09 to 31/8/10	55.00
2010	24/10/2010	1/9/10 to 31/8/11	55.00
2011	7/11/2011	1/9/11 to 31/8/12	55.00
2012		1/9/12 to 31/8/13	Not billed by BCS
2013		1/9/13 to 31/8/14	Not billed by BCS
2014	1/08/2014	1/9/14 to 31/8/15	55.00
2015	1/09/2015	1/9/15 to 31/10/15	311.66 See below
2016	3/11/2015	1/11/15 to 31/1/16	55.00
	1/02/2016	1/2/16 to 30/04/16	55.00
	2/05/2016	1/5/16 to 31/7/16	55.00
	1/08/2016	1/8/16 to 31/8/16	18.34
	20/09/2016	1/9/16 to 31/10/16	36.66 Overpaid
2017	1/05/2017	1/9/16 to 31/8/17	220.00 Billed by Waratah
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.			

ANNEXURE A

Period From	Period To	Date Due (Invoiced)	Amount Owing	Short Paid	Period	Date Paid	Amount Paid	Days overdue	Total Interest	Notice Details
01-09-99	31-08-01	23-08-00	\$100.00		Per Annum	23-08-00	\$100.00	0	\$0.00	
01-09-01	31-08-02	01-08-01	\$50.00		Per Annum	01-08-01	\$50.00	0	\$0.00	
01-09-02	31-08-03	21-07-02	\$55.00		Per Annum	21-07-02	\$55.00	0	\$0.00	
01-09-03	31-08-04	31-07-03	\$55.00		Per Annum	31-07-03	\$55.00	0	\$0.00	
01-09-04	31-08-05	01-11-04	\$55.00		Per Annum	01-11-04	\$55.00	0	\$0.00	
01-09-05	31-08-06	01-11-05	\$55.00		Per Annum	01-11-05	\$55.00	0	\$0.00	
01-09-06	31-08-07	01-11-06	\$55.00		Per Annum	01-11-06	\$55.00	0	\$0.00	
01-09-07	31-08-08	01-11-07	\$55.00		Per Annum	01-11-07	\$55.00	0	\$0.00	
01-09-08	31-08-09	01-11-08	\$55.00		Per Annum	01-11-08	\$55.00	0	\$0.00	
01-09-09	31-08-10	26-10-09	\$55.00		Per Annum	26-10-09	\$55.00	0	\$0.00	
01-09-10	31-08-11	24-10-10	\$55.00		Per Annum	24-10-10	\$55.00	0	\$0.00	
01-09-11	31-08-12	07-11-11	\$55.00		Per Annum	07-11-11	\$55.00	0	\$0.00	
01-09-12	31-08-13	01-08-14	\$55.00		Per Annum	01-08-14	\$55.00	0	\$0.00	Issued 3/7/14 showing period 1/9/14 - 31/8/15
01-09-13	31-11-13	29-06-15	\$55.00		Per Quarter	29-06-15		0	\$0.00	Issued 17/7/15 - Due 1/8/15 - Paid 29/6/15
01-12-13	28-02-14	29-06-15	\$55.00		Per Quarter	29-06-15		0	\$0.00	Issued 17/7/15 - Due 1/8/15 - Paid 29/6/15
01-03-14	31-05-14	29-06-15	\$55.00		Per Quarter	29-06-15		0	\$0.00	Issued 17/7/15 - Due 1/8/15 - Paid 29/6/15
01-06-14	31-08-14	29-06-15	\$55.00		Per Quarter	29-06-15		0	\$0.00	Issued 17/7/15 - Due 1/8/15 - Paid 29/6/15
01-09-14	30-11-14	29-06-15	\$55.00		Per Quarter	29-06-15		0	\$0.00	Issued 17/7/15 - Due 1/8/15 - Paid 29/6/15
01-12-14	28-02-15	29-06-15	\$55.00		Per Quarter	29-06-15	\$311.66	0	\$0.00	Issued 17/7/15 - Gas usage up to 31/10/15
		29-06-15				01-08-16	\$18.34	399	\$2.00	Part Paid Late
01-03-15	31-05-15	03-11-15	\$55.00		Per Quarter	03-11-15	\$55.00	0	\$0.00	Issued 25/8/15 - Due 1/11/15 - Paid 3/11/15
01-06-15	31-08-15	01-02-16	\$55.00		Per Quarter	01-02-16	\$55.00	0	\$0.00	Issued 30/12/15 - Due 1/2/16 - Paid 1/2/16
01-09-15	30-11-15	02-05-16	\$55.00		Per Quarter	02-05-16	\$55.00	0	\$0.00	Issued 24/3/16 - Due 1/5/16 - Paid 2/5/16
01-12-15	28-02-16	01-08-16	\$85.00	\$55.00	Per Quarter	30-08-19		1124	\$16.94	Shortpaid - Assume to be paid on 30/8/19
01-03-16	31-05-16	20-09-16	\$55.00		Per Quarter	20-09-16	\$36.66	0	\$0.00	
		28-09-16		\$18.34		30-08-19		1074	\$5.40	Shortpaid - Assume to be paid on 30/8/19
01-06-16	31-08-16	01-05-17	\$55.00	\$55.00	Per Quarter	30-08-19		851	\$12.82	Not Paid - Assume to be paid on 30/8/19
01-09-16	31-08-17	01-05-17	\$220.00		Per Annum	01-05-17	\$220.00	0	\$0.00	
01-09-17	31-08-18	11-05-18	\$220.00		Per Annum	11-05-18	\$220.00	0	\$0.00	
01-09-18	31-08-19	01-05-19	\$220.00		Per Annum	01-05-19	\$220.00	0	\$0.00	
Total Due			\$2,075.00	\$128.34	Total Paid			Shortpaid Interest	\$128.34	
									\$7.86	
					Total				\$136.20	Paid 8/10/19
01-09-19	31-08-20	27-03-20	\$220.00		Per Annum	01-05-20	\$220.00			
01-09-20	31-08-21	18&19/03/21	\$270.00		Per Annum	03-05-21	\$270.00			
01-09-21	31-08-22	29-03-22	\$270.00		Per Annum	02-05-22	\$270.00			
01-09-22	31-08-23		\$270.00		Per Annum	01-05-23	\$270.00			
01-09-23	31-08-24		\$270.00		Per Annum	01-05-24	\$270.00			
			\$1,300.00					\$1,300.00		

EX G

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.

6.5) 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.

6.6) 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.

6.7) 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.

(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)

6.8) 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.

6.9) 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.

6.10) 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.

6.11) 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)?

6.12) 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.

6.13) 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.

6.14) 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.”

6.15) 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.

6.16) 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?”

7) Notice of the meeting hid all details of the financial status in Admin Fund. On 24 December 2024, Admin Fund had negative balance (deficit) in amount of -\$196,041.57:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2024-to-24Dec2024.pdf>

181100	Reimbursements - Gas Usage	178.46	495.01
181101	Reimbursements - Water Usage	1,692.02	3,153.89
190200	Utility--Electricity	14,829.17	54,838.28
190400	Utility--Gas	15,239.86	30,053.99
190800	Utility--Rubbish Removal	0.00	72.27
191200	Utility--Water & Sewerage	25,084.65	107,238.20
Total expenses		395,968.87	1,001,164.29
Surplus/Deficit		(150,457.28)	(51,705.02)
Opening balance		(45,584.29)	6,120.73
Closing balance		-\$196,041.57	-\$45,584.29

8) Agenda was not detailed. Clause 7 specifies that the notice of a meeting must include a detailed agenda for the meeting, which in this case failed to be met. Notice was not detailed, especially the copy of Bannermans Lawyers Standard Costs Agreement. It was only three pages long and did not contain details of how and where to log in to vote:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-agenda-committee-meeting-without-Bannermans-Lawyers-Standard-Costs-Agreement-24Dec2024.pdf>

These two web links (URLs) were not available on notice boards and Waratah Strata Management website:

<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>

8.1) StrataVote contents for committee meeting on 6 January 2025:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-StrataVote-for-committee-meeting-redacted-6Jan2025.pdf>

9) Some owners received email with this agenda at 11:57 hours on 24 December 2024, one day before biggest holiday in Christian society:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-email-with-agenda-for-rushed-committee-meeting-24Dec2024.pdf>

From: "Strata Voting" <noreply@stratavote.com>
To: SP52948 owner <redacted to protect the owner>
Cc:
Sent: Tue, 24 Dec 2024 at 11:57
Subject: Meeting Notice - DO NOT DELETE THIS EMAIL

RE: Plan No. 52948 - MACQUARIE GARDENS 1-15 Fontenoy Road Macquarie Park

An Strata Committee Meeting has been scheduled as follows:-

Date: **06 Jan 2025**
Time: **10:00 AM**
Venue: **Online Meeting, Via Electronic Vote Only, NSW, 2000**

10) Agenda was not sent to Applicant denying him the right to vote, whilst evidence if it was sent to all other owners who do not live in the complex has been undisclosed by Waratah Strata Management and Bannermans Lawyers as of 18 September 2025.

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>

11) The Explanatory Note contained a single line, without any details of the NCAT case 2024/00454780:

Explanatory Note: *This motion is to engage the service of Bannermans, Lawyers to defend NCAT proceedings*

12) In Motion 1 of the agenda, Minutes of the last meeting of the strata committee held on 2 April 2024 were to be confirmed.

**NOTICE OF STRATA COMMITTEE MEETING
OF STRATA PLAN 52948
1-15 FONTENOY ROAD, MACQUARIE PARK**

NOTICE of business to be dealt with at the Strata Committee Meeting of Strata Plan 52948 to be held
on Monday, 06 January 2025 at 10:00am by **paper-vote only**.
This meeting will be held via paper-vote only for the elected Strata Committee

Motion 1.	MINUTES	Ordinary Resolution
THAT the minutes of the last meeting of the strata committee held on 2 April 2024 be confirmed.		

12.1) In SP52948 Delegated Functions Report for period 1 January 2024 to 31 December 2024, which Waratah Strata Management hid from all owners and NCAT (allegedly created on 8 April 2025 by Marth Lim), and did not publish it on their website even as late as 24 August 2025, it clearly listed committee meeting on 23 May 2024 as valid:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Delegated-Functions-Report-1Jan2024-to-31Dec2024.pdf>

Meeting Management

Details of Meetings

Meeting Date	Meeting Type
Meeting Venue	
22/02/2024	Executive Committee Meeting
via Zoom Video/Audio Conference	
22/02/2024	Extraordinary General Meeting
via Zoom Video/Audio Conference	
2/04/2024	Executive Committee Meeting
as a paper only meeting	
23/05/2024	Executive Committee Meeting
via Zoom Video/Audio Conference	
19/09/2024	Committee Meeting
Electronic vote required only NSW NSW 2000	
28/11/2024	Annual General Meeting
Online Meeting Via Zoom Only NSW 2000	
28/11/2024	Committee Meeting
Online Meeting Via Zoom Only NSW 2000	

Arranging Work to Common Property

08/04/2025	13:38	Marth Lim	Waratah Strata Management Pty Ltd	Page 25
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12.2) Bannermans Lawyers, Waratah Strata Management (through silent support and attendance at the Hearings), and Mr. Stan Pogorelsky submitted false statements to owners and NCAT about two previous committee meetings (23 May 2025 and 19 September 2024). Meeting on 19 September 2024 was even more critical because Waratah Strata Management lied to NSW Fair Trading about owners corporation decision not to attend free mediation in case 00994497:

<https://www.nswstratasleuth.info/SP52948-year-2024/NCAT-2024-00454780-non-compliant-and-non-existent-meeting-23May2024.pdf>

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-lying-to-NSW-Fair-Trading-about-two-mediation-cases-in-2020-and-2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/Fair-Trading-Mediation-00994497-declined-by-SP52948-23Sep2024.pdf>

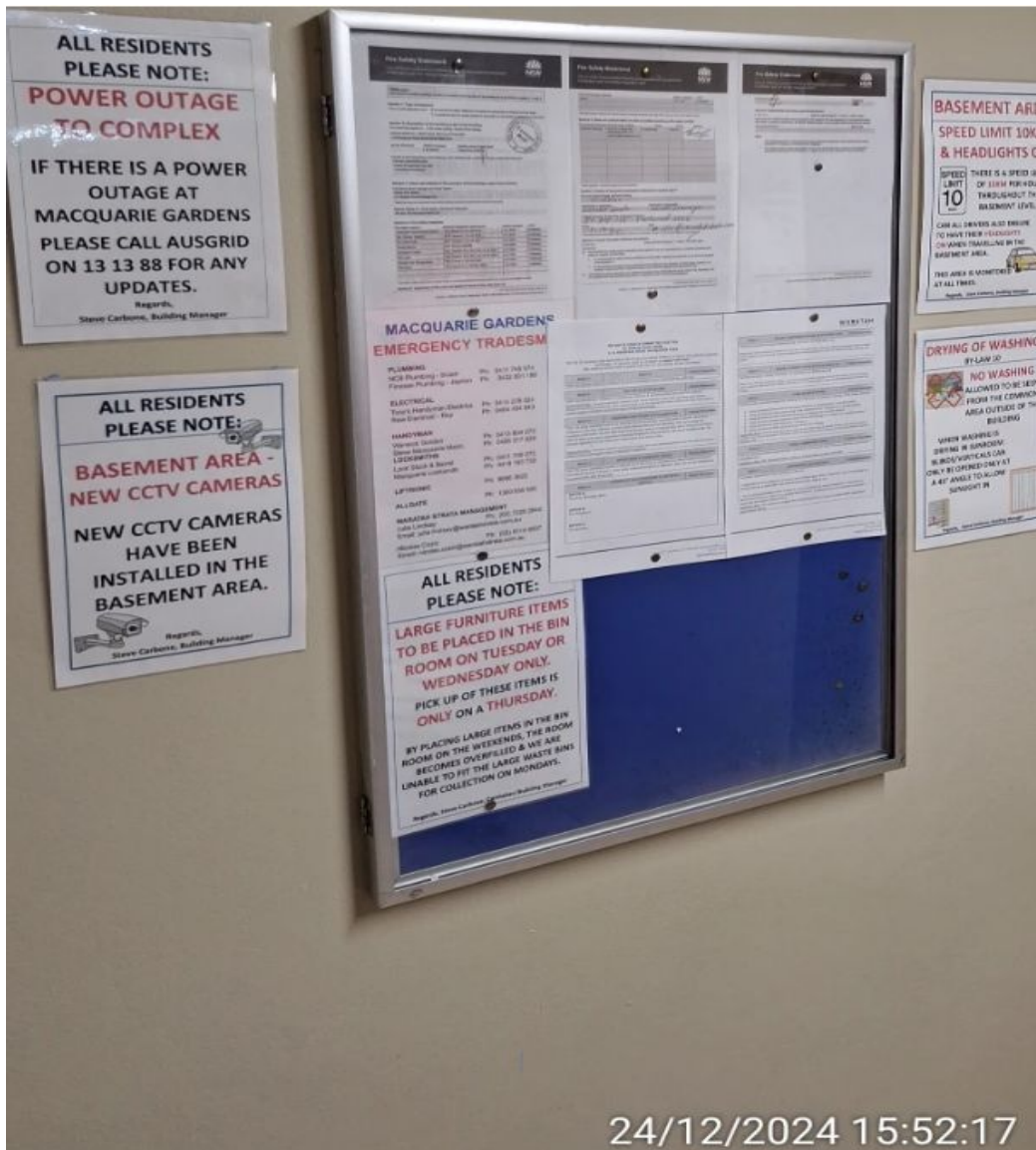
<https://www.nswstratasleuth.info/SP52948-year-2024/SUMMARY-Failed-NSW-Fair-Trading-mediation-case-00994497-25Sep2024.pdf>

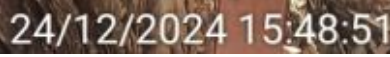
12.3) Bannermans Lawyers, Waratah Strata Management (through silent support and attendance at the Hearings), and Mr. Stan Pogorelsky submitted false statements to owners and NCAT about two previous committee meetings (23 May 2025 and 19 September 2024). Meeting on 19 September 2024 was even more critical because Waratah Strata Management lied to NSW Fair Trading about owners corporation decision not to attend free mediation in case 00994497:

<https://www.nswstratasleuth.info/SP52948-year-2024/NCAT-2024-00454780-non-compliant-meeting-illegally-engaging-Solicitor-Adrian-Mueller-2Apr2024.pdf>

13) As in previous “paper-vote” meetings, strata manager and committee members failed to publish information that other owners can vote, and if there are 25% or more of voting rights, they can make decision any way they wanted without committee members.

14) On 24 December 2024, six notice boards published incomplete agenda for paper committee meeting scheduled for 6 January 2025, without a copy of Bannermans Lawyers Standard Costs Agreement, without any Orders by the Tribunal, and without any information how and where to vote electronically:





24 December 2024 6:45 pm

15) Notice for committee meeting scheduled for 6 January 2025 was created on 24 December 2024 but never published on Waratah Strata Management website even nine months later – screenshots taken on 6 June 2025 and 18 September 2025:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-2-6Jun2025.pdf>

6/6/25, 8:08 AM

Documents



Strata Plan 52948

Enter Keyword



Document Type	Creditor	Description	Date
MINUTE BOOK			15/01/2025
Levy Notice		February 2025	24/12/2024
MINUTE BOOK			05/12/2024
MINUTE BOOK			04/11/2024
Insurance Policy			25/09/2024
Insurance Policy			25/09/2024
Insurance Policy			21/09/2024
Levy Notice		November 2024	20/09/2024
Audited / Annual Accounts			31/08/2024
Sec 22 Notices, Change of O...			17/07/2024

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Strata Plan 52948

Enter Keyword

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Document Type	Creditor	Description	Date
MINUTE BOOK			07/04/2025
Insurance Policy			26/03/2025
Insurance Policy			21/03/2025
Levy Notice		May 2025	17/03/2025
Debt Recovery Notice		Manual	12/02/2025
MINUTE BOOK			06/02/2025
MINUTE BOOK			06/02/2025
MINUTE BOOK			15/01/2025
Delegated Functions Report			31/12/2024
Levy Notice		February 2025	24/12/2024

16) Bannermans Lawyers failed to respond to Applicant or address these issues to NCAT:

<https://www.nswstratasleuth.info/SP52948-year-2025/NCAT-2024-00454780-001-Bannermans-Lawyers-conflict-of-interest-and-disclosure-public.pdf>

Document 9

NCAT-2024-00454780-001-Bannermans-Lawyers-conflict-of-interest-and-disclosure

Lot 158 requests that Bannermans Lawyers be struck out from the proceedings due to:

- **Lack of evidence of their retainer before, at, and after Directions Hearings on 15 January 2025 and 20 February 2025,**
- **Proven conflicts of interest and bias as the solicitor had already been prejudiced through information they obtained about Lot 158 since 2011 which could promote one party's case to the detriment of the other.**
- **Lack of procedural compliance with approval to represent owners corporation at alleged committee meeting on 6 January 2025 and 6 February 2025.**
- **They still insist on extensive legal representation, ignoring the facts that NCAT encourages self-representation, where parties do not need to hire expensive lawyers to handle their cases. While legal representation is allowed at NCAT, many people choose to represent themselves due to the simpler, less formal procedures. This will result in significant savings in legal costs for all parties, as court cases often require the involvement of solicitors or barristers, whose fees can be prohibitive.**

Most of submissions in NCAT case are provided on publicly-available secure website for all owners and investors in SP52948 since 2015, as what one would expect in open-minded democratic process, especially since Waratah Strata Management (and their predecessor BCS Strata Management) did not allow owners free, or any access, access to most of strata files:

<https://www.nswstratasleuth.info/>

16.1) Legal Services Commissioner v Yakenian [2019] NSWCATOD [98], about a solicitor of Fairfield in western Sydney, neighbour of Cabramatta and Villawood. He was referred to the NSW Legal Services Commissioner by District Court Judge, her Honour Wass DCJ.

The defendants' solicitor requested particulars of Mr Yakenian's builder client's statement of claim and said the defendants would provide defences within a reasonable time after the particulars were given. They invited the solicitor to advise them if he had any difficulty with this course. He did not do so. There was also talk of a security for costs application. On the basis of admissions made by the practitioner, the Tribunal of three members found that the solicitor had breached each of the following rules:

"A solicitor representing a client in a matter that is before the court must not act as the mere mouthpiece of the client or of the instructing solicitor (if any) and must exercise the forensic judgments called for during the case independently, after the appropriate consideration of the client's and the instructing solicitor's instructions where applicable. (Rule 17.1). A solicitor must not deceive or knowingly or recklessly mislead the court. (Rule 19.1). A solicitor must not knowingly make a false statement to an opponent in relation to the case. (Rule 22.1)."

17) There were nine motions for meeting on 6 January 2025:

- 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.

18) Minutes of committee meeting on 6 January 2025 were not published on notice boards, or sent to owners, and even about one hour before Directions Hearing on 15 January 2025, Waratah Strata Management did not have them published on their website:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-1-midday-15Jan2025.pdf>

1/15/25, 12:02 PM

Documents



Strata Plan 52948

Enter Keyword



Document Type	Creditor	Description	Date
Levy Notice		February 2025	24/12/2024
MINUTE BOOK			05/12/2024
MINUTE BOOK			04/11/2024
Insurance Policy			25/09/2024
Insurance Policy			25/09/2024
Insurance Policy			21/09/2024
Levy Notice		November 2024	20/09/2024
Audited / Annual Accounts			31/08/2024
Sec 22 Notices, Change of O...			17/07/2024
Levy Notice		August 2024	21/06/2024

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19) Minutes of committee meeting on 6 January 2025 were published by Waratah Strata Management on their website secretly about an hour before Directions Hearing on 15 January 2025:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-1-at-1341-hours-15Jan2025.pdf>

1/15/25, 1:41 PM

Documents



Strata Plan 52948

Enter Keyword



Document Type	Creditor	Description	Date
MINUTE BOOK			15/01/2025
Levy Notice		February 2025	24/12/2024
MINUTE BOOK			05/12/2024
MINUTE BOOK			04/11/2024
Insurance Policy			25/09/2024
Insurance Policy			25/09/2024
Insurance Policy			21/09/2024
Levy Notice		November 2024	20/09/2024
Audited / Annual Accounts			31/08/2024
Sec 22 Notices, Change of ...			17/07/2024

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20) Waratah Strata Management website published minutes of alleged committee meeting sometime between 12:02 and 13:41 hours belatedly on 15 January 2025 (nine days after the event), about an hour before NCAT Directions Hearing. Agenda for this meeting still did not exist on their website:

File #1... waratahstrata-Documents-folder-page-1-midday-15Jan2025.pdf Pages: 1-1

1/15/25, 12:02 PM Documents

WARATAH
STRATA MANAGEMENT

Strata Plan 52948

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Document Type	Creditor	Description	Date
Levy Notice		February 2025	24/12/2024
MINUTE BOOK			05/12/2024
MINUTE BOOK			04/11/2024
Insurance Policy			25/09/2024
Insurance Policy			25/09/2024
Insurance Policy			21/09/2024
Levy Notice	November 2024		20/09/2024
Audited / Annual Accounts			31/08/2024
Sec 22 Notices, Change of D...			17/07/2024
Levy Notice	August 2024		21/06/2024

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File #2... document-folder-page-1-at-1340-hours-15Jan2025.pdf Pages: 1-1

1/15/25, 13:41 PM Documents

WARATAH
STRATA MANAGEMENT

Strata Plan 52948

Enter Keyword

Document Type	Creditor	Description	Date
MINUTE BOOK			15/01/2025
Levy Notice		February 2025	24/12/2024
MINUTE BOOK			05/12/2024
MINUTE BOOK			04/11/2024
Insurance Policy			25/09/2024
Insurance Policy			25/09/2024
Insurance Policy			21/09/2024
Levy Notice	November 2024		20/09/2024
Audited / Annual Accounts			31/08/2024
Sec 22 Notices, Change of ...			17/07/2024

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21) One of the Motions at alleged committee meeting on 6 January 2025 was to complete updates for SP52948 on Strata Hub:

Motion 3

Compliance with Strata Hub Requirements

Ordinary Resolution Submitted by Strata Committee

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 legislation, or such amount as is determined from time to time.

MOTION RESOLVED

Check at Strata Hub proved that 10 months after the AGM (as of 18 September 2025), the information was obsolete and not up-to-date, showing that Waratah Strata Management failed to comply with owners' decisions:

<https://www.nswstratasleuth.info/SP52948-year-2025/StrataHub-search-SP52948-18Sep2025.pdf>

9/18/25, 8:18 AM

Search Strata Scheme

Search by address or strata plan number

☐ Address

☒ Strata plan number

SP52948

Search

Showing 1 result

SP52948

MACQUARIE GARDENS 1-
15 FONTENOY RD,
MACQUARIE PARK NSW
2113
RYDE LGA



✓ Active

[View Map](#)

Registered on 17 Jul 1996
Last AGM on 26 Oct 2023

Strata managing agent

Name: Waratah Strata Management
Pty Ltd

Licence: 10008316

[Verify licence](#)

218 Lots

• 218 residential

✓ Annual reporting completed
on 01 Feb 2024

Read more about [Strata annual reporting](#)

22) As of 18 September 2025, Waratah Strata Management failed to comply with Motion 2 (to act in the best interest of all owners and tenants as per delegated duties of Treasurer, Secretary, and Chairperson) and Motions 3, 4, 5, and 6:

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

Further more, strata plans can meet and vote in person, or by using electronic means while participating in a meeting without the need to pass a resolution adopting those means. However, pre-meeting electronic voting needs to be adopted by resolution before being used and cannot be used for an election of the committee:

<https://www.fairtrading.nsw.gov.au/housing-and-property/strata-and-community-living/community-and-neighbourhood-schemes/responsibilities-of-an-association/meetings-and-voting>

23) As of 18 September 2025, Respondent failed to provide access to strata files for Applicant:

- At AGM on 28 November 2024, directly orchestrated by committee members and strata managers, they rejected Applicant's request for access to strata files.
- Bannermans Lawyers attended the first Hearing on 15 January 2025 without evidence of legal representation.
- Bannermans Lawyers failed to comply with request at first Directions Hearing (did not deliver their files on or before 12 February 2025 in reply to the Applicant's objection to legal representation and their points of defence).
- Bannermans Lawyers attended the second Hearing on 20 February 2025 without evidence of legal representation and relied on false defence of ratification of committee meeting dated 6 January 2025 at committee meeting on 6 February 2025.
- Bannermans Lawyers attended first Hearing on 22 April 2025 without evidence of legal representation and again relied on false defence of ratification of committee meeting dated 6 January 2025 at committee meeting on 6 February 2025.
- Bannermans Lawyers attended second Hearing on 22 July 2025 (fully unprepared, in spite of receiving Applicant's evidence dated 7 July 2025) without evidence of legal representation but this time relied on false defence of ratification of committee meeting dated 6 January 2025 at EGM on 27 May 2025.
- Mr. Stan Pogorelsky failed to comply with Tribunal issue of summonses on 7 March 2025.
- After Applicant's complaints, Mr. Pogorelsky submitted his LIMITED files in return of summonses on 17 March 2025, but deliberately failed to serve them on the Applicant, until Senior Member Vrabac helped to get them at Hearing on 22 July 2025.
- Waratah Strata Management failed to comply with the Tribunal orders issued on 22 April 2025.
- Waratah Strata Management failed to comply with the Tribunal orders issued on 22 July 2025.
- Waratah Strata Management and Bannermans Lawyers failed to provide files on 15 August 2025.
- Waratah Strata Management and Bannermans Lawyers failed to provide files on 17 September 2025.

24) Bannermans Lawyers directly failed to respond to the Applicant's emails seven times and those requests are still OUTSTANDING:

<https://www.nswstratasleuth.info/SP52948-year-2025/REPEATED-FAILURE-TO-COMPLY-NCAT-case-2024-00454780-Bannermans-Lawyers-continuous-misconduct-23Jul2025.pdf>

25) As of 18 September 2025, Bannermans Lawyers and Waratah Strata Management failed to provide evidence of legal expenses in FY 2025 in amount of \$52, 510.71:

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



Suite 17, First Floor, 10 E Parade
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>		268.20	1,222,881.85
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

26) 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.

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.

27) 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) and 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-1May2025.pdf>



Suite 17, First Floor, 10 E Parade
Eastwood NSW 2122

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

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

Strata Plan 52948

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

Administrative Fund

		Current period 01/09/2024-01/05/2025	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	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
<i>Total revenue</i>		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

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
Total revenue		896,792.36	949,459.27
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

28) 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?'.

29) 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.

30) 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.

31) 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.

32) 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.

33) 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.

34) Waratah Strata Management ignored Bannermans Lawyers warnings about costs in tribunal proceedings iwhen one party was unreasonably disadvantaged n 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.

35) 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.

36) Bannermans Lawyers, Waratah Strata Management, and committee members failed to respond or refute any of Applicant's statements and evidence of folder sent to them and NCAT on 29 January 2025 and 7 July 2025:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001-Table-of-Contents-public.pdf>

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

37) 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

38) Bannermans Lawyers and Waratah Strata Management 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.