

Strike out evidence of Ms. Genelle Godbee due to persistent non-compliance with strata and other applicable laws and actions that do not benefit SP52948 owners, tenants, investors, and Australian society at large (fraudulent insurance claims, prevention of competitive tenders for strata and building management, elevator maintenance, electricity and gas supplies, major upgrades, financial mismanagement, hampering investigations by Police, NCAT, NSW Fair Trading, and OLSC)

Selective items Ms. Godbee was directly and responsible for in premeditated manner are listed here:

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<https://www.nswstratasleuth.info/SP52948-NCAT-case-2024-00454780.html>

1) Ms. Genelle Godbee has an outstanding Letter of Demand that was sent to her on 3 October 2020 and updated on 22 April 2025 (in which she was reminded of her wish to avoid using lawyers for CTTT cases on 25 May 2013 in email with subject "Re: FW: MACQUARIE GARDENS : TIME FOR A 'CIRCUIT BREAKER'?"), which she declined to disclose to NCAT in cases SC 20/33352 and 2024/00454780

<https://www.nswstratasleuth.info/SP52948-Genelle-Godbee-stayed-silent-when-approached-with-letter-of-demand-3Oct2020.html>

Dear Madame,

The undersigned, without prejudice, hereby demands that you confirm or refute Lot 158's statements that:

a) Since you became member of the committee in 2016, at AGM 2017, 2018, and 2019, owners did not pay full prescribed levies for gas heating, including 10% simple interest per year, and were allowed to vote and be elected on the committee without disclosure of facts,

b) BCS Strata Management and Solicitor Adrian Mueller deliberately engaged in the following actions:

- Illegal engagement of Solicitor Adrian Mueller in representation of strata plan SP52948 in Fair Trading case SM12/1537JR, CTTT case SCS 12/32675, and CTTT case SCS 12/50640 which by November 2014 alone caused losses to owners corporation in amount of \$62,218.77,*

- Four fraudulent insurance claims for Solicitor Adrian Mueller's legal costs in non-existent "CTTT defense of Lot 3", amounting to \$28,511.24 (GST incl) paid to strata plan SP52948 in 2012 and 2013, where CHU Insurance forced the strata corporation to repay \$8,800.00 in 2017,*

- Had knowledge of creation of false statements in BCS Strata Management strata manager's Statutory Declaration to CTTT on 19 April 2013,*

- Had knowledge of creation of false statements in BCS Strata Management strata manager's Affidavit to District Court on 31 January 2014,*

- Had knowledge of strata plan SP52948 paying more than 70% increase in insurance premiums in 2012 due to high risks with legal claims for Solicitor Adrian Mueller, disregarding warnings by AJG Insurance Broker and CHU Insurance on 1 August 2012,*

- Silently refused to provide assistance to Police in Event E65804633 since 2018,*

- Failed to act upon Lot 158's complaints and evidence since 2012, including multiple offers for free mediation at Fair Trading NSW, and provided misleading statements to CTTT, knowing they were untrue,*

- Allowed unfinancial owner to vote and be elected as members of the committee,*

- Risked well-being and safety of Lot 158 and his family due to continuous efforts to pervert the course of justice.*

c) You were given enough information by Lot 158 through Waratah Strata Management to raise your awareness of risks by engaging Solicitor Adrian Mueller and related legal parties in 2017, 2018, 2019, and 2020,

d) You were given enough information by Lot 158 through Waratah Strata Management about two data losses at Waratah Strata Management (lost USB key and ransomware attack) that should have raised serious concerns for members of the committee,

e) Waratah Strata Management provided you with evidence of the above events that was given to them as part of 2020 Fair Trading NSW mediation case 00351498 and NCAT case 20/33352,

f) Waratah Strata Management provided you with evidence that they refused to add Motions for strata and building management contract renewals in spite of advance notice since 30 July 2020, preventing tenders for contracts valued at around \$400,000.00 per year,

g) Waratah Strata Management provided you with evidence that they refused to add Lot 158 Motions at AGM 2017, 2018, 2019, and 2020 without legal grounds.

("the Action")

Please note that if I have to commence legal proceedings in order to require your performance of the Action (items listed above), this letter will be tendered in court as evidence of your failure to attempt to resolve this matter.

Further, you may be liable for any court costs, lawyer fees and damages, including punitive damages.

You might want to contact a lawyer to discuss your legal right and responsibilities.

2) Lot 158 tried to engage with Ms. Godbee as early as 2013, which is proven by email sent to her on 14 September 2013, highlighting the risks (and massive losses to owners) due to illegal ISP running in the complex

The subject of the email was:

Re: UPDATE FOR AGM 2013: WHOME Unauthorized ISP Business becoming very serious at owners corporation expense - Report on 14Sep2013

<https://www.nswstratasleuth.info/SP52948-brief-log-of-events-related-to-BigAir-illegal-ISP-operation-for-four-years-huge-losses-to-owners-corporation-final-eviction-and-deed-of-settlement-without-owners-corporation-approval-Jun2018.pdf>

3) Lot 158 has unredacted evidence that Ms. Godbee was contacted 99 times via email, in attempt to reason with her and discuss problems

She did not reply to any of them.

4) Ms. Godbee supported self-nominations for units that were co-owned at AGM 2016 on 19 October 2016 and ever since then, without disclosure to owners or NCAT in cases SC 20/33352 and 2024/00454780, in direct non-compliance with SSMA 2015 No 50 (effective from 5 November 2015 to 24 October 2016)

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP25948-Minutes-AGM-2016-19Oct2016.pdf>

**MINUTES OF ANNUAL GENERAL MEETING
THE OWNERS - STRATA PLAN NO. 52948**

ADDRESS OF THE STRATA SCHEME:

1-15 FONTENOY ROAD MACQUARIE PARK NSW 2113



14. EXECUTIVE COMMITTEE:

14.1 Resolved that written and oral nominations be received at this meeting for election to the Executive Committee.

Nomination:	Lot No	Nominated by:	Lot No
Lorna Zelunzuk	3	Self nominated	
Marianna Paltikian	88	Self nominated	
Carlos Fornieles Montoya	112	Self nominated	
Sandra Quick	130	Self nominated	
Genelle Godbee	142	Self nominated	
Moses Levitt	147	Self nominated	
Maureen McDonald	151	Self nominated	
Stan Pogorelsky	181	Self nominated	
Jeffery Wang	218	Self nominated	

4.1) Emphasis on five unfinancial owners who did not pay full levies and/or 10% simple interest per year for overdue payments:

- Lot 3, as per Strata Roll found during document search in Waratah Strata Management office on 31 May 2019:

Strata Plan No. 52948 **Lot No. 3** **Unit No. 3**
Unit Entitlement : 44 **Aggregate Entitlement : 10000**

Current Owner

Current Owner's name/s : L ZELUNZUK
Y ZELUNZUK

- Lot 88, as found during document search in Waratah Strata Management office on 31 May 2019:

<https://www.nswstratasleuth.info/SP52948-new-owner-Lot-88-Marianna-Paltikian-31Oct2014.pdf>

<https://www.nswstratasleuth.info/SP52948-FOLLOW-UP-REQUEST-submitted-to-Waratah-Strata-Management-delivery-of-missing-files-in-document-search-by-Lot-158-10Jun2019.html>

- Lot 147, as found during document search in Waratah Strata Management office on 31 May 2019:

Strata Plan No. 52948 **Lot No. 147** **Unit No. 147**
Unit Entitlement : 36 **Aggregate Entitlement : 10000**

Current Owner

Current Owner's name/s : Moses Levitt
Simcha Zeldia Levitt

- Lot 181, as found during document search in Waratah Strata Management office on 31 May 2019:

Strata Plan No. 52948	Lot No. 181	Unit No. 181
Unit Entitlement : 52	Aggregate Entitlement : 10000	

Current Owner

Current Owner's name/s : Stan POGORELSKY
T L Pogorelsky

- Lot 218, as found during document search in Waratah Strata Management office on 31 May 2019:

Strata Plan No. 52948	Lot No. 218	Unit No. 218
Unit Entitlement : 54	Aggregate Entitlement : 10000	

Current Owner

Current Owner's name/s : J I M Wang
Q H L Wang

5) As of May 2025, Ms. Godbee directly acted against owners corporation decision and failed to enforce registration of By-Law for OH&S Risk Assessment as per decision at AGM 2016, and never ran or provided such surveys to owners before general meetings

25. MOTION REQUESTED BY LOT 158-OCCUPATIONAL HEALTH AND SAFETY RISK ASSESSMENT::

25.1 That the Owners Corporation SP 52948 by SPECIAL RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996, make an additional By-Law in the following terms:

SPECIAL BY-LAWS: "Occupational Health and Safety Risk Assessment"

- To comply with the Work Health Safety (WHS) Laws that commenced on 1st of January 2012 and accompanied by the Model Work Health and Safety Regulations (MWSHR), the owners corporation shall conduct professional OH&S Risk Assessment before each and every annual general meeting,
- The OH&S Risk Assessment results shall be included in the agenda for every annual general meeting

APPROVED

49 voted Yes, 11 voted No

6) Ms. Godbee ignored Lot 158 warnings about repeated problems with self-nominations, without disclosure to owners or NCAT in case 2024/00454780

Examples of events on 14 November 2021 and committee meeting on 2 April 2024:

<https://www.nswstratasleuth.info/SP52948-problems-with-validity-of-nominations-for-committee-with-example-from-AGM-2017-sent-to-Waratah-Strata-Management-on-14Nov2021.html>

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

7) On 13 February 2024, Waratah Strata Management and committee members were warned about strata managers misleading statements in agenda for AGM 2023, and they did not respond

Ms. Godbee was fully aware of this complaint and failed to address it:

<https://www.nswstratasleuth.info/SP52948-Lot-158-outcome-of-access-to-strata-documents-13Feb2024.pdf>

7.1) Waratah Strata Management failed to offer any evidence that nominations for committee members were done in accordance with SSMA 2015 Schedule 1 Section 5 at previous general meetings.

7.2) Waratah Strata Management abused this requirement in the past and allowed "standard" committee members to self-nominate whilst preventing Lot 158 from the same (Mr. Robert Crosbie's reference to Sec 31 (1) (c) of SSMA 2015). On 28 October 2021, strata manager Mr. Robert Crosbie wrote to Lot 158:

In accordance with Sec 31 (1) (c) of the SSMA, your self-nomination to the strata committee is invalid. Please complete and return the attached Strata Committee Nominee Form.

8) In the minutes of AGM 2023, information about committee nominations was incorrect and response to Lot 158 concerns never provided

5 STRATA COMMITTEE

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Resolved that 10 nominations be accepted and the number of Strata Committee members be set at 9.
Those elected were:

Basil Gionea (87)	Nominated by Lot 88
Carlos Fornieles Montoya (112)	Nominated by Lot 113
Andrew Ip (133)	Nominated by Lot 112
Genelle Godbee (142)	Nominated by Lot 159
Ramesh Desai (159)	Nominated by Lot 142
Kathryn Cutler (170)	Nominated by Lot 181
Stan Pogorelsky (181)	Nominated by Lot 170
John Gore (200)	Nominated by Lot 218
Jeffrey Wang (218)	Nominated by Lot 200

8.1) On 13 February 2024, during document search in Waratah Strata Management office, Lot 158 found copies of emails (and saved them as evidence) that committee members coerced self-nominations for AGM 2023 and that the statement in the agenda for AGM 2024 was untrue:

- Lot 87, email from Mr. Heath Crosbie telling owner he was able to self-nominate on 12 October 2023
- Lot 200, email to Mr. Heath Crosbie and all committee members with his self-nomination on 18 October 2023
- Lot 218, email to Mr. Heath Crosbie and all committee members with his self-nomination on 18 October 2023
- Lot 133, email to Mr. Heath Crosbie and all committee members with his self-nomination on 18 October 2023
- Lot 181, email to Mr. Heath Crosbie and all committee members with his self-nomination on 17 October 2023
- Lot 133, email to Mr. Heath Crosbie and all committee members with his self-nomination on 17 October 2023 (and then allegedly removed her candidacy at AGM on 26 October 2023, where there were 10 candidates on two polling pages and Lot 158 name was missing initially in spite of advance notice)
- Lot 122, mail to Mr. Heath Crosbie and all committee members with his self-nomination on 17 October 2023
- Lot 142, mail to Mr. Heath Crosbie and all committee members with her self-nomination on 17 October 2023

- Lot 170, mail to Mr. Heath Crosbie and all committee members with her self-nomination on 17 October 2023

9) Ms. Godbee's direct involvement in organising non-compliant committee meeting that allegedly approved maintenance contract with Liftronic Elevators without proper tender or decision at general meeting on 30 June 2017 and then granted major elevator upgrades to them without proper tender at cost of \$795,200.00 at AGM on 25 October 2018 which failed to satisfy the quorum

9.1) Executive Committee meeting on 30 June 2017, approved Liftronic contract in amount of \$24,400.00 plus GST without having the contract details, on Friday (non-standard day for SP52948 meetings) and at time when no owner could attend (11:00 hours in the morning).

<https://www.nswstratasleuth.info/SP52948-Minutes-EC-meeting-30Jun2017.pdf>

DATE, PLACE & TIME OF MEETING: A meeting of the Strata Committee of The Owners - Strata Plan 52948 was held on 30/06/2017 at 11:00AM in the offices of Waratah Strata Management, Suite 200, 160 Rowe Street, Eastwood.

Voting papers in accordance with Schedule 2 Sec 9(2) were received from:

Lot #	Unit #	Attendance	Owner Name Representative
112	112	Yes	Carlos Fornieles Montoya
147	147	Yes	Moses Levitt
151	151	Yes	Maureen McDonald
181	181	Yes	Stan Pogorelsky
200	200	Yes	John Gore

CHAIRPERSON (acting): Robert Crosbie

Minutes of the meeting:

1 MINUTES

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

LIFT CONTRACT

Resolved that the Lift Maintenance Tender summary report provided by Thomson Elevator Consultancy Services was tabled and accepted.

Further resolved that the (lift maintenance) quotation provided Liftronic Pty Ltd at a cost of \$24,400 + GST be accepted.

9.2) Some of events related to Liftronic over the years:

<https://www.nswstratasleuth.info/SP52948-brief-log-of-events-related-to-elevator-maintenance-and-replacement-contract-in-2005-2017-and-2018-public-version.pdf>

9.3) Problems with alleged meeting on 30 June 2017:

- Meeting failed to satisfy Interpretation Act 1987.

Agenda was allegedly prepared on 26 June 2017 for a meeting on 30 June 2017. Excluding the day of notice creation and day of the meeting, only two days were allowed for delivery of notices. As per Strata Roll dated 31 January 2017, more than 32% of owners had requested postal delivery of notices – that figure is hidden from owners by Waratah Strata Management in subsequent years.

- Agenda was not sent to any owner:

<https://www.nswstratasleuth.info/SP52948-Agenda-not-sent-to-any-owner-about-tender-for-elevator-contract-renewal-page-1-26Jun2017.webp>

2	LIFT CONTRACT
2a.	That the Lift Maintenance Tender Summary report provided by Thomson Elevator Consultancy Services be tabled and accepted.
2b.	That the quotation provided by ThyssenKrupp Elevator Australia at a cost of \$24,000 + GST be accepted.
2c.	That the quotation provided by Liftronic Pty Ltd at a cost of \$24,400 + GST be accepted.
2d.	That the quotation provided by Schindler Lifts Australia at a cost of \$35,546 + GST be accepted.
2e.	That Waratah Strata Management be authorised to sign the selected contractors Lift Maintenance Contract for and on behalf of the Owners Corporation once it has been approved as acceptable by Thomson Elevator Consultancy Services.

- Six notice boards did not announce this meeting at any time before, on, or after the meeting.
- Minutes of the meeting were not sent to any owner.
- Minutes of the meeting were never published on notice boards:

For large schemes (over 100 lots, not including utility lots) notice of strata committee meetings are to be sent to strata committee members, all lot owners and placed on a noticeboard (if any) maintained by the Owners Corporation. Minutes of strata committee meetings are to be sent to strata committee members and any owner that requests a copy within 7 days of the meeting.

- Agenda was not detailed (only allegedly four pages).
- Agenda denied owners their right to attend in person, if they wishes so, and with 25% of voting rights to make decision any way they wanted without committee members:

NOTES:

Only executive committee members are entitled to vote on agenda items at a Strata Committee Meeting.

- Out of nine members of the committee, only five allegedly attended the paper meeting, of which two were not financial to vote, making the meeting and its decision to award elevator maintenance contract with Liftronics void and invalid:

Lot 147, Mr. Moses Levitt

Lot 181, Stan Pogorelsky

Without sending notice of the meeting to any owner, committee had paper meeting on 30 June 2017, allegedly making a decision to enter into elevator maintenance contract with Liftronics without tender or any competitive quotes. Minutes of committee meeting on 20 July 2017 tried to ratify the paper meeting on 30 June 2017 without full disclosure to owners and NCAT in cases SC 20/33352 and 2024/00454780, failing to disclose that out of nine committee members six were unfinancial, whilst out of six members who voted five were unfinancial (emphasis is on fact that quarterly levies fall on 1 May of each year, so these

owners were unfinancial for two and half months, and that does not include Lot 147 and 181 who have unpaid full levies for gas heating for 25 and 23 years as of 2025 respectively):

<https://www.nswstratasleuth.info/SP52948-Minutes-EC-meeting-20Jul2017.pdf>

Lot 3, Mrs. Lorna Zelunzuk

Lot 88, Mrs. Marianna Paltikian

Lot 147, Mr. Moses Levitt

Lot 151, Mrs. Maureen McDonald

Lot 181, Mr. Stan Pogorelsky

Lot 200, Mr. John Gore

<https://www.nswstratasleuth.info/SP52948-levy-arrears-for-committee-members-at-meeting-that-decided-to-grant-elevator-contract-to-Liftronics-without-general-meeting-or-details-of-contract-20Jul2017.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001-remove-SP52948-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-3-public.pdf>

- Committee members and Waratah Strata Management were fully aware that seven-year contract with Thyssen Krupp was being terminated on 30 June 2017, as per Motion 6 in minutes of committee meeting three months earlier on 16 March 2017:

<https://www.nswstratasleuth.info/SP52948-extract-from-minutes-EC-meeting-16Mar2017.pdf>

- Ms. Godbee was personally responsible for allowing these false statements to be published in minutes of committee meeting on 20 July 2017, whilst also knowingly ignoring that:

The meeting failed to satisfy Interpretation Act 1987. Agenda was prepared on 13 July 2017 for a meeting on 20 July 2017. Excluding the day of notice creation and day of the meeting, only six days were allowed for delivery of notices. As per Strata Roll dated 31 January 2017, more than 32% of owners had requested postal delivery of notices – that figure is hidden from owners by Waratah Strata Management in subsequent years:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-notice-EC-meeting-13Jul2017.pdf>

As of May 2025 (almost eight years after the event), agenda and minutes of this meeting do not exist on Waratah Strata Website:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-18-29Mar2025.pdf>

Agenda was not detailed (only one page).

Extract from the minutes dated 20 July 2017:

1 MINUTES

Resolved that the minutes of the previous strata committee meeting were amended to record a voting paper being provided by Genelle Godbee and then confirmed as a true record of the proceedings of that meeting. It is noted that the agenda for the previous "voting-paper-only" committee meeting was not sent to all owners due to the urgency of confirming the appointment of the new lift contractors prior to the termination date of the previous lift contract on 30 June 2017.

The formal approval of the new lift contract is dealt with later in this meeting.

...

4 LIFT CONTRACT AND MAINTENANCE

Resolved that the lift maintenance contract provided by Liftronic was tabled and the strata manager is authorised to sign the contract on behalf of the Owners Corporation after any amendments recommended by Thomson Elevators.

The current status of the lift maintenance work required to be carried out by ThyssenKrupp Elevators was discussed. Resolved that Thomson Elevator Services quote to conduct a further inspection of the lifts to confirm all defect items in their original report have been attended to by ThyssenKrupp was accepted at a cost of \$1,300 plus GST.

...

5 GAS CHARGES

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

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

10) Ms. Godbee was direct accessory to deliberate actions to prevent owners from having crucial information before granting maintenance contract to Liftronic on 30 June 2017

- Liftronic lost contract with SP52948 due to high cost of in amount of \$31,228.00 per year in 2010.
- Waratah Strata Management sent letter on 23 March 2017 to ThyssenKrupp with contract termination on 30 June 2017.
- Waratah Strata Management sent request for remediation work to ThyssenKrupp on 19 April 2017.
- Executive Committee meeting on 30 June 2017, approving Liftronic contract in amount of \$24,400.00 plus GST without having the contract details, on Friday (non-standard day for SP52948 meetings) and at time when no owner could attend (11:00 hours in the morning).
- Lot 158 did not find any evidence of alleged paper votes (or emails) for committee meeting dated 30 June 2017 at document searches in 2019, 2020, and 2024.
- Liftronic maintenance tags in elevators put on 4 July 2017.

- Email reply from Waratah Strata Management to Thomson Elevator Consultancy Services on 10 July 2017 confirming that they were not able to open the Liftronic contract sent to Thomson Elevator Consultancy Services on 30 June 2017 which Thompson Elevator Consultancy Services only forwarded to Waratah Strata Management on 10 July 2017.
- Secret written notice by Robert Crosbie from Waratah Strata Management for Executive Committee meeting scheduled for 20 July 2017, with intention not to do any work to recover unpaid levies for second gas connection, pre-approved Waratah Strata Management to sign the Liftronic contract and to be sent the original to a committee member who was not financial due to unpaid full levies for gas heating connection (Mr. Moses Levitt), confirmation that ThyssenKrupp was paid for period 1 July 2017 to 30 September 2017 in spite of contract ended on 30 June 2017.
- Secret email from Waratah Strata Management about overpaid ThyssenKrupp invoices in spite of advanced knowledge of cancelled contract dated 30 June 2017 on 13 September 2017:

From: Simon Wicks
Sent: Wednesday, 13 September 2017 3:16 PM
To: au.accounts@tkeap.com
Subject: SP 52948 - 1-15 Fontenoy Road, North Ryde. Account No. 3001816562
Attachments: 20-38962375-10b9-4874 a05d 8f204490bfff.pdf

Dear Thyssenkrupp Accounts Dept.

We are the strata managers for the residential complex at 1-15 Fontenoy Road, North Ryde. **Account number: 3001816562**

It has been brought to our attention that your invoice **#8067023552** (copy attached) for the 01.07.17. to 30.09.17 period was inadvertently paid as the contract had been cancelled, effective 30.06.17.

Consequently, we kindly request that this payment (6,812.52) be reimbursed to the owners corporation at the following bank account:

Account name: Waratah Strata Mgmt P/L Trust A/c SP 52948

BSB: 182-222

Account: 2128-43833

Many thanks and kind regards,

Simon Wicks
 Waratah Strata Management
 P.O. Box 125, Eastwood NSW 2122
 Ph (02) 9114 9599
 Fx (02) 9114 9598
www.waratahstrata.com.au

ThyssenKrupp repaid the money belatedly on 31 December 2017 without disclosure to owners:

Maint Bldg--Lift 170200						
16/10/2017 1/10/17 - 31/12/17	Liftronic Pty Ltd	6,100.00	Paid	DE	186360	000267
30/10/2017 Call Lift Maintenance Tenders	Thomson Elevator Consultancy Services Pty Ltd	1,100.00	Paid	DE	WSM503	000282
30/10/2017 Service	Thomson Elevator Consultancy Services Pty Ltd	2,800.00	Paid	DE	WSM502	000282
31/12/2017 To correct GST		6,193.20		Jnl	3480	
31/12/2017 To correct GST		(6,193.20)		Jnl	3484	
30/01/2018 1/1/18 - 31/3/18	Liftronic Pty Ltd	6,100.00	Paid	DE	188374	000353
16/04/2018 1/4/18 - 30/6/18	Liftronic Pty Ltd	6,100.00	Paid	DE	190551	000428
30/07/2018 Liftronic	Direct charge	6,215.90	Paid	Oth		91
		\$28,415.90				

- Waratah Strata Management discovered Liftronic contract was not signed as of 15 September 2017 and asked for revised contract which they signed without owners corporation approval at any meeting:

From: Simon Wicks
Sent: Friday, 15 September 2017 3:03 PM
To: Stephen Williams
Subject: SP 52948 - 1-15 Fontenoy Road, North Ryde
Attachments: LPL - Macquarie Gardens SP82948- Ongoing Lift Maintenance proposal 29-06....pdf

Hi Stephen

It would appear that this has slipped through a crack. It's come to my attention that the contract with Liftronic has not yet been signed.

As there was a recommended deletion and addition, could you please have Liftronic provide a revised contract, as per your recommendations, which we will duly sign and return.

"If three (3) months prior to the end of the initial period, notice of termination is not given from either party, then this agreement shall continue under the same terms and conditions for a successive term equal to the initial period given notice provided by the Company to the Owners of the intention to roll over."

And insert:

"thereafter this agreement shall continue under the same terms and conditions contained herein excluding 4(d) as a quarterly agreement terminable by either party hereto three months' notice in writing to the other party."

Many thanks and kind regards,

Simon Wicks
Waratah Strata Management
P.O. Box 125, Eastwood NSW 2122
Ph (02) 9114 9599
Fx (02) 9114 9598
www.waratahstrata.com.au

- Contract was secretly signed on 29 September 2017 and backdated to 1 July 2017 but the first payment to Liftronic did not happen until 30 January 2018, which means there was no official maintenance for elevators for SIX MONTHS (Thyssen Krupp contract was terminated on 30 June 2017, and the one with Liftronic did not honour advance payment in amount of \$6,100.00 from 1 July 2017):

<https://www.nswstratasleuth.info/SP52948-Liftronic-comprehensive-maintenance-contract-valid-from-1Jul2017-but-signed-29Sep2017-without-Waratah-Strata-Management-disclosure-that-it-was-approved-without-contract-details-at-SSMA-2015-non-compliant-EC-meeting-30Jun2017.pdf>

Maint Bldg--Lift 170200

16/10/2017 1/10/17 - 31/12/17	Liftronic Pty Ltd	6,100.00	Paid	DE	186360	000267
30/10/2017 Call Lift Maintenance Tenders	Thomson Elevator Consultancy Services Pty Ltd	1,100.00	Paid	DE	WSM503	000282
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31/12/2017 To correct GST		6,193.20		Jnl	3480	
31/12/2017 To correct GST		(6,193.20)		Jnl	3484	
30/01/2018 1/1/18 - 31/3/18	Liftronic Pty Ltd	6,100.00	Paid	DE	188374	000353
16/04/2018 1/4/18 - 30/6/18	Liftronic Pty Ltd	6,100.00	Paid	DE	190551	000428
30/07/2018 Liftronic	Direct charge	6,215.90	Paid	Oth		91
		\$28,415.90				

CPI Comprehensive Maintenance Agreement



"CPI" COMPREHENSIVE MAINTENANCE AGREEMENT

AN AGREEMENT BETWEEN

STRATA PLAN NO 52948

(ABN: 79 491 891 602) (Hereinafter called the Owner)

And LIFTRONIC PTY LIMITED ABN: 99 002 886 213 (Hereinafter called the Company)


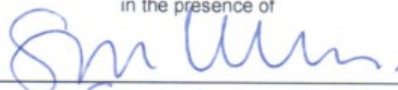
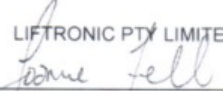
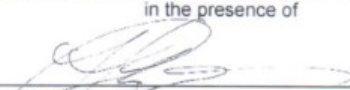
WHEREBY it is agreed to carry out the following work on FOUR (4) PASSENGER LIFTS
Job / Tender No 207

installed in MACQUARIE GARDENS APARTMENTS

situated at 1 - 15 FONTENOY ROAD, MACQUARIE PARK

as set out in the following clauses:

- CONSIDERATION. The Owner will pay to the Company a quarterly sum of SIX THOUSAND ONE HUNDRED DOLLARS excludes GST
Dollars (\$) 6,100.00), (excludes GST) (or any variation of this amount as provided hereunder) payable in
Advance from 01 JULY 2017
The said sum of \$ 6,100.00 excludes GST is based on the following index values, and is subject to variation
in accordance with Clause 2.
- FORMULA FOR ADJUSTMENT OF CONSIDERATION
 - The Consideration specified in Clause 1 shall be based on costs current at the date of this Offer, and such Consideration, or subsequently adjusted Consideration, shall thereafter be varied annually in accordance with the Consumer Price Index ABS No. 6401.0 publication. The consideration shall be adjusted on the First Day of July of each calendar year.
- PERIOD Shall commence on 01 JULY 2017 and shall continue for a period of
THREE (3) years, thereafter this agreement shall continue under same terms and

<p style="text-align: center;">OWNER'S SIGNATURE</p> <p></p> <p>Print Name: <u>Robert Crossbie</u></p> <p><i>For & on behalf of SP52948</i></p> <p style="text-align: center;">SIGNED BY THE OWNER'S REPRESENTATIVE in the presence of</p> <p></p> <p>Print Name: <u>Simon Wicks</u></p> <p>Signed at <u>Eastwood</u> this <u>29th</u> day of <u>September</u> 20<u>17</u></p>	<p style="text-align: center;">LIFTRONIC PTY LIMITED</p> <p></p> <p>Print Name: <u>JOANNE FELL</u></p> <p style="text-align: center;">SIGNED BY THE COMPANY'S REPRESENTATIVE in the presence of</p> <p></p> <p>Print Name: <u>ALVIN CHEN</u></p>
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Issue 10 Page 2 of 2
J:\Maintenance 3rd PARTY QUOTATIONS\3rd Party NSW - 2017\15 Fontenoy Road, Macquarie Park\ID088b - CPI Comprehensive Maintenance Agreement - 1-15 Fontenoy Rd, Macquarie Park 20-09-2017.doc

01 / 07 / 2016

LIFTRONIC PTY LIMITED
CPI Comprehensive Maintenance Agreement



Addendum A

- Lift pit floors and walls up to a height of 600mm to be painted within 4 weeks of award of agreement.

Further more, the clause in the contract had an Addendum that lift pit floors and walls up to height of 600mm had to be painted within four weeks of award of the agreement was not complied with by Liftronic.

11) Ms. Godbee was actively involved in preventing Lot 158 (who was legally valid member of the committee at the time) to organise Extraordinary General Meeting in July 2017, as per email sent on 25 June 2017

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/OFFICIAL-REQUEST-SP52948-Convene-Extraordinary-General-Meeting-25Jun2017.pdf>

12) Ms. Godbee was fully aware and supported secret letter by Mrs. Lorna Zelenzuk (Lot 3), Mr. Moses Levitt (Lot 147), and Mr. Stan Pogorelsky (Lot 181) sent to owners (not sent to Lot 158) day after committee meeting on 20 July 2017, lying about their unpaid gas heating levies, which these three official statements of account (created by BCS Strata Management and given to Waratah Strata Management when they took office on 1 February 2017) clearly proved the opposite

- In period from 1 February 2015 to 30 January 2017, Lot 3 did not pay any gas heating levies:
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lot-3-statement-of-account-1Feb2015-to-30Jan2017.pdf>
- In period from 29 January 2015 to 30 January 2017, Lot 147 did not pay any gas heating levies:
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lot-147-statement-of-account-29Jan2015-to-30Jan2017.pdf>

- In period from 29 June 2015 to 30 January 2017, Lot 181 did not pay any gas heating levies:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lot-181-statement-of-account-1Feb2015-to-30Jan2017.pdf>

12.1) In their letter, all of them denied any gas heating debt and wrote some horrific misinformation and lies about Lot 158 (searching through rubbish bins, taking photos inside private units, and Police allegedly telling strata manager and committee members that all Lot 158 allegations were dismissed as baseless). An example:

Invasion of privacy

A letter has been received by the SC from a resident objection to DB taking photographs of her residence. He has also been seen searching through Recycle Bins on the property. Residents are advised to shred all personal documents disposed of in the recycle bins.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-EC-letter-to-owners-whilst-three-members-unfinancial-and-not-legal-to-be-on-the-committee-21Jul2017.pdf>

Lot 158 has evidence to refute those ghastly claims that were designed to deliberately destroy his credibility and good standing, whilst criminals wanted to enjoy unchallenged actions that deprived owners of their rightful income and caused lot of damages to common property.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lot-158-warning-to-strata-and-building-manager-about-lying-11Jun2017.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Police-response-to-Lot-158-7Feb2018.pdf>

12.2) Extract from statements by Mrs. Lorna Zelenzuk, Lot 3:

Gas levies – All invoices issued to me in relation to gas levies have been paid.

I take exception to the circulation of personal financial information to the wider Macquarie Gardens community about what I allegedly owe or do not owe to the Strata.

Legal fees paid to defend Lot 3 (our apartment) – This is totally false. There were no fees incurred or any legal action required to ‘defend’ me on any matter.

<https://www.nswstratasleuth.info/SP52948-Lot-3-Insurance-Claim-1-31Aug2012.pdf>

<https://www.nswstratasleuth.info/SP52948-Lot-3-Insurance-Claim-2-7Dec2012.pdf>

<https://www.nswstratasleuth.info/SP52948-Lot-3-Insurance-Claim-3-2May2013.pdf>

<https://www.nswstratasleuth.info/SP52948-Lot-3-Insurance-Claim-4-4Jun2013.pdf>

This exemplifies the story of unpaid gas heating levies: on 17 July 2015, Mrs. Zelenzuk was asked to pay \$1,085.00 for unpaid gas heating levies, without 10% simple interest per year for period 1 September 2000 to 31 October 2015 and without paying \$200.00 (plus GST) since 2000 (these dates were proposed by Mr. Pogorelsky personally knowing that Mrs. Zelenzuk did not pay them from 1996 when they moved into the complex). She paid only \$1,085.00 for gas heating levies for period of 15 years without disclosure to any owner, CTTT, and NSW Fair Trading.

12.3) Extract from statements by Mr. Moses Levitt, Lot 147:

Lot 158 [DB] has accused me previously in numerous emails of not having paid gas levies by extracting private invoices from Strata Records out of context. He has not bothered to show correspondence proving payments – why? He has also extracted data including voting papers pertaining to me from the Strata Records as attachments to his emails. Whilst this data is accessible to owners such data is not for publication and is a breach of privacy.

12.4) Extract from statements by Mr. Pogorelsky, Lot 181:

Mr. Levitt has put across very well the facts which I am in agreement.

As far as Gas Refunds are concerned, I personally am completely up to date with all my payments. I have supplied Mr Robert Crosbie of Waratah Strata an XL schedule of all my payments and any owner is at liberty to contact him for his confirmation.

12.5) The three of them were worst offenders of unpaid or only partially paid gas heating levies (it was set in 1999 at \$200,00 per year).

Their letter, full of false statements, also contradicted minutes of committee meeting one day earlier (20 July 2017):

<https://www.nswstratasleuth.info/SP52948-Minutes-EC-meeting-20Jul2017.pdf>

Waratah Strata Management claimed that \$1,411.66 was owed for gas heating levies, of which only \$91.66 related to strata committee members.

In joint letter by Mrs. Lorna Zelenzuk, Mr. Moses Levitt, and Mr. Stan Pogorelsky they claimed that \$1,109.23 was owed for gas heating and none of it belonged to committee members.

Gas heating connections

The historical charges to lot owners for additional gas points was discussed at the recent SC meeting. The strata manager advised that a thorough review of the BCS Strata Management records has been carried out, including a request for further information from BCS, and it is still not possible to accurately confirm the amounts that have been charged to and paid by the respective lot owners. It is the view of the strata committee that the cost of carrying out a forensic audit of the strata accounts over many years would far exceed the amount of any unpaid additional gas charges and therefore the cost of this exercise could not be justified. It was decided that a motion is to be included on the Annual General Meeting agenda to allow owners to vote on whether a forensic audit of the gas charges is to be carried out or whether it will be deemed that all gas charges are paid up to date. In the accounts provided by BCS at the change of strata manager they indicate General Debtors in relation to gas charges totaling \$1,109.23, of which none relates to strata committee members. The committee do not believe the BCS information is accurate but have deferred this decision to be made at the AGM so there is no question of a conflict of interest by the committee members.

13) Ms. Godbee silent about notices and minutes of committee meetings dated 30 June 2017 and 20 July 2017 not found on Waratah Strata website almost eight years after the event, but older meetings (including notice of AGM sent on 21 September 2000) listed

As of May 2025 (almost eight years after the event), agenda and minutes of this meeting do not exist on Waratah Strata Website (pages similar to these ones taken in March were collected too):

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-18-31Mar2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-19-31Mar2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-20-31Mar2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-21-31Mar2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-22-31Mar2025.pdf>

14) Ms. Godbee silent about AGMs for 2018 and 2022 not found on Waratah Strata website in listing of valid general meetings

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-website-list-of-past-general-meetings-31Mar2025.pdf>

15) Ms. Godbee fully aware of Waratah Strata Management, Uniqueco Property Services, and committee members spreading false statements about Lot 158 photo and video collection of evidence and being unhelpful member of society, and she personally continued to support these false allegations

Event on 11 June 2017, where Mr. Steve Carbone tried to blame Lot 158 for taking photos inside private properties:

<https://www.nswstratasleuth.info/SP52948-Uniqueco-Property-Servicers-warned-false-statements-about-Lot-158-collection-of-evidence-11Jun2017.pdf>

Event at AGM on 19 October 2019, which Ms. Godbee attended in person and was a direct witness:

<https://www.nswstratasleuth.info/SP52948-Uniqueco-Property-Servicers-warned-false-statements-about-Lot-158-not-helping-old-woman-20Oct2019.pdf>

Minutes of AGM 2019, which did not comply with strata laws, added further comments by Uniqueco Property Services, who both attended the AGM without the right to be present at private meeting of owners corporation:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Minutes-AGM-2019-17Oct2019.pdf>

16) Ms. Godbee silent about CTTT and NCAT repeatedly being given false statements about Lot 158 work to enforce proper management of SP52948

16.1) Mr. Pogorelsky, whilst unfinancial without disclosure to owners and the Tribunal, submitted false statements to CTTT in case SCS 11/00711 on 20 February 2011.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-CTTT-SCS-11-00711-Stan-Pogorelsky-submission-20Feb2011.pdf>

Mr. Pogorelsky stated, among the other things:

The chairman and members of the Executive Committee (with the exception of Lot 158) have at all times conducted themselves appropriately in an open and honest manner, and we have not come across any conflict of interest.

...

This Committee is made up of unit owners who have served this complex honestly and with loyalty for many years with the total support from most of the owners of units and townhouses.

We believe that the commercial acumen of the committee, chairman and managing agent have served us extremely well.

16.2) Submission by Ms. Elizabeth Saulits on 14 February 2011, where she also said:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-11-00711-Betty-Saulits-Submission-14Feb2011.pdf>

Extract from her submission:

As Australia is a democracy it is free decision of each owner whether to attend the meetings or not, not a dictatorship Lot 158 was educated under by Marshal Tito of Yugoslavia.

16.3) Signature campaign, as organised by an unfinancial owner, Mr. Moses Levitt, on 17 February 2011:

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

Extract from his submission:

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

16.4) Submission by an unfinancial owner, Mr. Jeffery Wang, on 9 February 2011:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-11-00711-EC-member-Jeffery-Wang-submission-9Feb2011.pdf>

Extract from his submission, where he repeated the same statement as Mr. Pogorelsky:

The chairman and members of the Executive Committee (with the exception of Lot 158) have at all times conducted themselves appropriately in an open and honest manner, and we have not come across any conflict of interest.

...

I believe that the commercial acumen of the committee, chairman and managing agent have served us extremely well.

16.5) Submission by an unfinancial owner, Mr. Upali Aranwela, on 26 February 2011:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-11-00711-EC-member-Upali-Aranwela-submission-26Feb2011.pdf>

Extract from his submission:

Frequently, at past annual general meetings there were no more than the required number of nominations to fill positions on a new committee. This resulted in almost all existing members being re-elected unopposed.

...

The committee, comprising some in employment and some retirees, perform a voluntary service without any compensation and try to give their best in time and effort.

16.6) Mr. Pogorelsky, whilst unfinancial without disclosure to owners and the Tribunal, submitted false statements in joint document (with other committee members) to CTTT in case SCS 11/00711 on 27 February 2011. That document shows to what extreme all nine committee members went to deceive CTTT:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-11-00711-EC-joint-submission-27Feb2011.pdf>

16.7) Mr. Pogorelsky, whilst unfinancial without disclosure to owners and the Tribunal, submitted false statements to CTTT in case SCS 12/05845 on 10 March 2012.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-CTTT-12-05845-Stan-Pogorelsky-submission-10Mar2012.pdf>

Extract from his submission, regurgitating same statements as in CTTT case SCS 11/00711 on 20 February 2011 but this time removed the phrase “(with the exception of Lot 158)”.

The chairman and members of the Executive Committee have at all times conducted themselves appropriately in an open and honest manner, and we have not come across any conflict of interest.

...

This Committee is made up of unit owners who have served this complex honestly and with loyalty for many years with the total support from most of the owners of units and townhouses.

We believe that the commercial acumen of the committee, chairman and managing agent have served us extremely well.

16.8) Submission by Ms. Elizabeth Saulits on 11 March 2012:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-05845-Betty-Saulits-Submission-11Mar2012.pdf>

16.9) Submission by an unfinancial owner, Mr. Moses Levitt, on 6 March 2012:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-05845-EC-member-Moses-Levitt-submission-6Mar2012.pdf>

16.10) Submission by an unfinancial owner, Mr. Jeffery Wang, on 13 March 2012:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-05845-EC-member-Jeffery-Wang-submission-13Mar2012.pdf>

16.11) Mr. Pogorelsky fully supported submission by Mrs. Maureen McDonald on 24 February 2012:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-05845-EC-member-Maureen-McDonald-submission-24Feb2012.pdf>

16.12) Submission by Mr. John Ward on 9 March 2012:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-05845-EC-member-John-Ward-submission-9Mar2012.pdf>

16.13) Mr. Pogorelsky fully supported submission by Mr. Bruce Copland (Chairperson of the committee at the time) on 10 March 2012:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-05845-EC-Chairperson-Bruce-Copland-submission-10Mar2012.pdf>

In it, he said the following, carefully withholding information that the alleged Motion was not a Special Resolution or a Special By-Law, was never applied in equitable manner (only a selected group of townhouse owners had this privilege, and some of the did not know about it for many years), was not registered as Special By-Law for 13 years after AGM 1999, and Mr. Copland did not declare that he personally enjoyed these benefits.

To the best of my knowledge and belief since September 1999 no member of the EC has had any conflict of interest with the OC or MA.

...

DB (Lot 158) implies that Townhouse owners receive a rebate for gas and water consumption that is unauthorised. This is not true. The issue was addressed by the EC in March 1998 (at the time I was not member of the EC) and the minutes of the 1999 AGM record that all owners ratified the rebate process on 29 September 1999 (I was not chairman at the time).

Mr. Copland lied to CTTT:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Minutes-AGM-1999-29Sep1999-ratification-of-gas-water-reimbursements-without-by-law-or-special-resolution.pdf>

Motion 12

To decide whether the Owners Corporation continue to reimburse the Owners of townhouses 194-219 in connection with the water and gas usage costs payable by such owner.

Resolved that the current provision of reimbursement be ratified and continued.

Lot 158 has copies of all committee meetings in 1998, and this was reported in minutes of meeting on 17 March 1998. Mr. Copland mislead CTTT as only water supply was approved, albeit without Special Resolution or Special By-Law:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-minutes-EC-meeting-17Mar1998.pdf>

Resolved that all the Owners Corporation refund Townhouse owners the cost of water supply effective from 01.09.1997.

16.14) Solicitor Adrian Mueller's submission to CTTT on 13 March 2012:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-05845-Solicitor-Adrian-Mueller-submission-13Mar2012.pdf>

16.15) Solicitor Adrian Mueller's submission to CTTT on 18 January 2021:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-NCAT-20-33352-Solicitor-Adrian-Mueller-Submission-18Jan2021.pdf>

16.16) FY 2025, three unfinancial members on the committee: Lot 88, Lot 181, Lot 218 (total number of candidates: 10 in first version and 11 in the second version sent by Waratah Strata Management 20 minutes after the first one, selected 9, three not valid, hence Lot 158 should have been elected on 28 November 2024 if defamatory and false statements had not been sent in agenda for the meeting):

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-minutes-AGM-28Nov2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-agenda-AGM-2024-4Nov2024.pdf>

Extract from the agenda sent to owners:

Unfortunately, though, we live in difficult times with huge cost of living increases. We will require an increase of levies, but the 'blow-out' in the budget is largely due to the repeated actions of Lot 158, on three 'fronts':

1) Fire and Safety Order

Repeated complaints to Fire & Rescue NSW to pressure City of Ryde to issue a Fire Safety Order. Compliance with this Order comes at a very high cost - \$333,000 per year, (spread over 3 years. It should be noted that these costs are additional to obtaining the services of an independent fire engineer (already paid) as the fire order instructed.

The independent fire auditor acknowledges that councils across the country have not enforced fire safety upgrades on owners of older buildings but our upgrade, due to the age of the complex, will comply with codes and standards that have been implemented over the past 30 years.

2) Insurance.

The Fire Safety Order has had a flow on effect to our Insurance Policy. We could only obtain a six-monthly Insurance Premium which cost \$135,000 (compared to the same cost for a year in 2023.) So, we have provided as well for another \$135,000 for the next six months (in total \$270,000 for the year).

3) Legal Costs

The actions of Lot 158 have also necessitated our engagement of a lawyer, Adrian Mueller. We are forced to predict further legal costs for 2025 that could be as much as \$25,000. Adrian continues to advise the Committee of the

legality of the copious, historical and often defamatory communication, (despite a By- Law to the contrary) including motions submitted to our Annual General Meeting, that are not motions (but must be checked).

The Strata Committee recently declined further mediation with Lot 158 because their complaints were resolved (legally) at a NSW Civil and Administrative Appeals Tribunal (NCAT) meeting (in 2022). All claims were dismissed, and costs awarded against the owner. The recovery of Strata legal costs used an agreed schedule of payments to our insurers from whom we claimed our legal costs. Repeating this process would only achieve the same result but further add to our Insurance and Legal costs.

In total, an additional half a million dollars has had to be provided for in this financial year's budget due to the actions of Lot 158!

Finally, it should also be noted that due to the infrequent and limited access that can legally be granted to owners, any financial discussion owners might receive from Lot 158 will always be based on outdated information (e.g. missing quarterly Strata fee deposits). Most saliently, the allegedly 'missing' money is safely invested in Term Deposits!

17) Ms. Godbee actively supported AGM 2018 which had many legal problems

Few listed herewith:

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

<https://www.nswstratasleuth.info/SP52948-evidence-submitted-to-Waratah-Strata-Management-of-unpaid-and-incorrectly-implemented-gas-levies-at-AGM-2016-and-onwards-15Oct2018.html>

<https://www.nswstratasleuth.info/SP52948-Lot-90-forced-to-pay-overdue-levies-with-full-fees-AGM-18Oct2018.png>

17.1) Audit's report was not submitted to owners before or at the AGM. In FY 2018, signed audited accounts differ from what Waratah Strata Management published for owners in agenda for general meeting (auditor report was 1 day late after due date on 18 October 2018 and not published even as late as 29 May 2019):

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

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-auditor-report-missing-for-owners-in-notice-for-AGM-2018.png>

Solicitor Adrian Mueller rejected strata files access to O'Brien Criminal & Civil Solicitors, including auditor's reports for 2017 and 2018, on 14 November 2019, claiming that they were "likely not available" and asking "what was the purpose pressing for the records to be produced"):

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Solicitor-Adrian-Mueller-letter-to-Lot-158-Solicitor-rejecting-access-to-strata-files-on-14Nov2019.pdf>

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

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

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

Two of Lot 158 Motions of greatest importance:

- Order strata documents to be handed over by Solicitor Mr. Adrian Mueller
- Order to Waratah Strata Management to produce eight copies of emails to Police and Lot 158

And few more, as illustrative examples:

<https://www.nswstratasleuth.info/SP52948-Lot-158-Motion-insurance-and-safety-risks-with-unlicensed-staff-and-cut-working-hours-part-1-AGM-2018.png>

<https://www.nswstratasleuth.info/SP52948-Solicitor-Adrian-Mueller-prevented-Motion-and-disallowed-owners-to-vote-on-maintenance-staff-stalking-and-bullying-owner-at-AGM-2018-page-1.png>

17.3) Waratah Strata Management and Police failed to inform owners about massive data losses due to lost USB key for investigations in Police Event E65804633:

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

17.4) AGM 2018 did not satisfy requirements for quorum and allowed unfinancial owners to vote and be elected as committee members:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Minutes-AGM-2018-18Oct2018.pdf>

Summary of quorum by Waratah Strata Management (Lot 158 has the full document with all pages), which committee members and strata managers did not share with owners:

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-calculation-of-quorum-AGM-2018-page-18-18Oct2018.webp>

Unfinancial owners: 20, UE 914

Financial owners: 198, UE 9086

Total owners: 218, UE 10000

Required quorum (25%): 50, UE 2500

Total listed as valid in Minutes of AGM: 70

Counted as valid to vote owners with gas heating connections: 3, 62, 88, 102, 147, 148, 163, 167, 175, 181, 182

Proxies given to Lot 3, Mrs. Lorna Zelenzuk: 1

Proxies given to Lot 88, Mrs. Marianna Paltikian: 3

Proxies given to Lot 147, Mr. Moses Levitt: 8

Proxies given to Lot 181, Mr. Stan Pogorelsky: 9

Proxy from Lot 5 was not valid due to owner's presence at meeting.

Real count of valid owners present in proxies and in person at AGM 2018: 70 - 34 = 36

17.5) Agenda for the meeting did not satisfy requirements for how Motions should be defined:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Agenda-AGM-2018-put-on-notice-board-9Oct2018.pdf>

7 LIFT UPGRADE

That the Lift Tender Summary report prepared by Thompson Elevator Services be tabled and a decision made on commencing the upgrade works.

This Motion did not comply with definition of Motion by Strata Community Australia (NSW).

Motions must be ruled as "out of order" as they conflicted with the Act, were unlawful, and unenforceable.

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

- A proposal put forward for consideration at a meeting. A well written motion will enable the lot owner or committee member to vote yes (for) or no (against) on the matter.
- A motion must clearly state the proposal to be considered at the meeting.
- Motion must clearly state if an ordinary, special, or unanimous resolution is required.
- The notice must also:

State the intention to propose the resolution as a <type> resolution; and

Set out the proposed resolution in full.

17.6) The quotes obtained by Thompson Elevator Consultancy Services dated 16 November 2017 were expired: they were more than 10 months old (from the date of tender), making them invalid for proper consideration by owners as the tender was open for 30 days from 16 November 2017.

Thompson Elevator Consultancy Services assessment and quotes for elevator major upgrades was sent to Waratah Strata Management on 16 November 2017, but presented to owners the expired quotes one year later in agenda for Annual General Meeting in October 2018, where three vendors were allegedly short-listed:

Liftronic Elevator

Electra Lift

Otis Elevator

Vote at Annual General Meeting in October 2018 was based on misleading information to owners (for example, Part E and Part F of the upgrades could not be Optional and had to be included in full upgrades, the estimate of length of time required to upgrade four elevators was very dubious and speculative, and so on).

Due to obviously expired quotes (they were 11 months old!), at Annual General Meeting in October 2018 Waratah Strata Management and EC members themselves increased the estimate for Liftronic bid and refused to limit further increases if "necessary", without giving Otis or Electra any chance to compete or make amendments in their quote.

Lot 158 has personally submitted numerous issues why the tender was not fair and valid but Waratah Strata Management and committee members refused to notify owners about it.

17.7) The original plan by Waratah Strata Management and EC members was to approve quote by Liftronic in amount of \$550,000.00 (plus GST), for elevator upgrades that excluded Option E and F on 25 December 2017.

Macquarie Gardens 1-15 Fontenoy Road Macquarie Park Lift Upgrade Tender			
<u>ALL PRICES ARE GST EXCLUSIVE</u>	Liftronic	Electra	Otis
<u>LIFTS 1-4</u>			
<u>Part A Works (Door equipment)</u>	203,647	198,080	In Part C Works
<u>Part B Works (Lift Code and WH&S)</u>	121,426	131,860	In part C Works
<u>Part C Works (Controller and Drive Equipment)</u>	247,040	268,970	820,000
<u>Part D Works (Buttons and Indication)</u>	85,871	111,530	60,000
<u>Sub Total</u>	657,984	710,440	880,000
<u>Price If All Works Undertaken At Once</u>	550,000	572,640	880,000
<u>Saving if not staged</u>	107,984	137,800	0
<u>Part E - Optional Replacement of Lift Mains lifts 1, 2 & 3</u>	58,617	20,400	75,000
<u>Part F - Optional Replacement of lift machines including new lifting ropes</u>	157,754	136,040	125,000

Thompson Elevator Consultancy Services wrongly listed art E and F as Optional expenses. Both of them were compulsory and Lot 158 forced them to be included at the meeting:

Part E: replacement for lift mains of lifts 1, 2, and 3 due to non-compliance with fire rating requirements

Part F: replacement of lift machines including ropes

17.8) Failed to notify owners in the agenda for AGM 2018 that ropes for lift 4 in Block A were replaced on 10 May 2017 and that was the only lift which had such work done in 22 years. In addition, Block A rope should have been excluded from Liftronic expenses.

17.9) After discussion at the meeting, which agreed to include Options E and F, EC members arbitrarily raised the allegedly approved value of the contract with Liftronic from \$766,371.00 to \$900,000.00 (plus GST), an increase above 17%. This information was not presented in the minutes of the AGM 2018 by Waratah Strata Management.

17.10) Lot 158 amendments for Minutes of AGM 2018 were not included or published for owners at AGM 2019 or at any time afterwards.

17.11) Total costs of Liftronic elevator upgrades in amount of \$795,000.00 were never published for owners:

07/03/2019 Lift Upgrade Deposit	Liftronic Pty Ltd	\$160,000.00	198217	000471
23/07/2019 Lift Upgrade	Liftronic Pty Ltd	\$240,000.00	202867	000589
23/09/2019 Lift Refurbishment Progress Claim	Liftronic Pty Ltd	\$100,000.00	204855	000640
14/10/2019 Lift Refurbishment Progress Claim/Variation	Liftronic Pty Ltd	\$77,272.73	205387	000691
18/11/2019 Lift Refurbishment Progress Claim/Variation	Liftronic Pty Ltd	\$27,927.27	205387	000731
25/11/2019 Lift Refurbishment Progress Claim	Liftronic Pty Ltd	\$100,000.00	206703	000731
28/01/2020 Lift 4 Installation	Liftronic Pty Ltd	\$90,000.00	208583	000777

17.12) Major problem in Block D elevator started again in 2020, straight after the upgrades.

- Elevator in Block D became faulty on, or around 11 February 2020 and continued without repairs until 18 February 2020:

<https://www.nswstratasleuth.info/SP52948-broken-elevator-in-Block-D-at-1353-hours-11Feb2020.jpg>

<https://www.nswstratasleuth.info/SP52948-broken-elevator-in-Block-D-at-0622-hours-18Feb2020.jpg>

- Waratah Strata Management ignored Lot 158 concerns on 19 February 2020:

PROBLEM REPORT: SP52948 Elevator in Block A out of service and delayed Liftronic work for two and half months in spite of documented problems - 19Feb2020

Good evening,

a) Yesterday, elevator in Block D entered eight day out of service.

And it was eight day that notice board in Block D had no information about elevator problems.

b) On 9 December 2019, Uniqueco Property Services tried to dismiss repeated complaints about poor operation of elevators in the complex and gave promise that Liftronic would address it in the following two weeks (attachment "SP52948-Uniqueco-Property-Services-promise-for-elevator-maintenance-and-forced-to-deliver-due-to-repeated-failures-two-months-later-on-19Feb2020.png").

That did not happen in December 2019, nor in January 2020, nor until today - 19 February 2020 - almost two and half months later.

c) Based on documented problems with elevators, Liftronic was finally requested to recheck them today (attached is a photo taken from notice board in Block A "SP52948-Liftronic-urgently-called-back-to-retest-all-four-elevators-over-period-of-three-days-just-three-months-after-major-upgrades-19Feb2020.jpg").

This was, without any doubt, forced by tireless work of Lot 158 owners, and complaints from owners in Block D.

d) Around 13:43 hours today, owner of Lot 158 was unable to use elevator in Block A. Attachment "SP52948-elevator-in-Block-A-out-of-service-at-1343-hours-19Feb2020.jpg".

Normally, one of the fire doors in Block A would be open for owners to walk up from garage areas and make their access to upper floors convenient and easy.

Fire doors 1 and 2 were not opened today (attachment "SP52948-Fire-door-1-closed-while-elevator-in-Block-A-out-of-service-19Feb2020.jpg"), making it more difficult for owners in Block A to go to upper floors while the elevator was out of service.

Whilst the fire doors were closed, staff of Uniqueco Property Services was comfortably sitting in the office provided to them from owners corporation.

- First notice for owners was published by Uniqueco Property Services on 14 February 2020:

<https://www.nswstratasleuth.info/SP52948-handwritten-note-about-elevator-out-of-order-without-details-and-exected-resolution-entrance-to-Block-D-photo-2-14Feb2020.jpg>

- For four days, Uniqueco Property Services ignored angry comment from a frustrated owner/tenant on 14 February 2020, and provided more informative note on 18 February 2020:

<https://www.nswstratasleuth.info/SP52948-handwritten-note-about-elevator-out-of-order-without-details-and-exected-resolution-entrance-to-Block-D-with-angry-amendment-from-owner-about-lack-of-updates-14Feb2020.jpg>

<https://www.nswstratasleuth.info/SP52948-Uniqueco-Property-Services-and-Waratah-Strata-Management-finally-displaying-more-informative-notice-about-ongoing-eight-day-out-of-order-elevator-entrance-to-Block-D-18Feb2020.jpg>

- Minutes of the committee meeting on 13 February 2020 continued to present false statements to owners:

<https://www.nswstratasleuth.info/SP52948-extract-from-committee-meeting-13Feb2020-problems-with-Block-D-elevator-straight-after-major-upgrade.png>

4 **MATTERS ARISING FROM PREVIOUS MEETING**

The following matters arising from the previous meeting were tabled, discussed and resolved as follows:

- Lift Refurbishment Project - Stephen Williams from Thomson Elevator Consultancy Services has provided a current status report on the lift upgrade project which identifies a number of items requiring attention on each lift. There is currently an issue with Building D lift which Liftronic are

1

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working on fixing, however the main computer drive that drives the motor has failed and obtaining a replacement drive is proving difficult due to current restrictions on airfreighting parts out of China due to Coronavirus. Liftronic are getting a new drive from another job and hope to have the lift operating by Friday 14 February. Payment of the current \$110,000 progress payment invoice is to withheld until these issues are resolved and the payment has been approved by Thomson's.

All payments to Liftronic were finalised on 28 January 2020!

- The automated response from Waratah Strata Management showed how little they cared about SP52948 on 12 February 2020:

<https://www.nswstratasleuth.info/SP52948-Frank-Tallaridi-automatic-email-reply-confirming-elevator-problem-not-priority-for-them-12Feb2020.html>

- Under pressure from Lot 158, Waratah Strata Management and committee members ordered retest of all four elevators on 19 February 2020:

<https://www.nswstratasleuth.info/SP52948-Liftronic-urgently-called-back-to-retest-all-four-elevators-over-period-of-three-days-just-three-months-after-major-upgrades-19Feb2020.jpg>

17.13) Lot 158 had five votes in the ballot, making them legal member of the committee.

4 STRATA COMMITTEE

Resolved that 10 nominations were accepted and the number of Strata Committee members be set at 9. Following a ballot, those elected were:

Thomas Karolewski (21), Marianna Paltikian (88), Carlos Montoya (112), Genelle, Godbee (142), Moses Levitt (147), Maureen McDonald (151), Stanley Pogorelsky (181), Jeffrey Wang (218) & John Gore (200).

Lot 158 has a screenshot of Mr. Robert Crosbie's ballot count at AGM 2018.

18) Ms. Godbee had special task to review Lot 158 Motions at AGM 2019, as published in minutes of committee meeting on 13 February 2020

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Minutes-AGM-2019-17Oct2019.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Minutes-EC-meeting-13Feb2020.pdf>

Results of her alleged work and work of unfinancial committee member Mr. Moses Levitt were never provided to any owner, and their wishes to prevent Lot 158 failed at significant costs to owners corporation (that includes excessive increases in insurance premiums).

Solicitor Adrian Mueller failed in his attempts too.

18.1) Ms. Godbee ignored numerous concerns about AGM 2019:

<https://www.nswstratasleuth.info/SP52948-example-of-Waratah-Strata-Management-allowing-unfinancial-owners-to-vote-AGM-2019.html>

<https://www.nswstratasleuth.info/SP52948-warning-to-Waratah-Strata-Management-about-misleading-and-misconstrued-strata-files-including-serious-problems-with-Auditor-reports-and-expired-contract-with-strata-agency-due-to-non-compliant-AGM-2019-19Mar2020.html>

<https://www.nswstratasleuth.info/SP52948-concerns-about-AGM-2019-sent-to-Waratah-Strata-Management-about-persistent-non-compliance-with-Interpretation-Act-1987-NSW-14Mar2020.html>

<https://www.nswstratasleuth.info/SP52948-REQUEST-FOR-IMMEDIATE-RELEASE-OF-DOCUMENTS-submitted-to-Waratah-Strata-Management-auditor-reports-cash-receipts-bank-statements-for-AGM-2019-9Oct2019.html>

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

<https://www.nswstratasleuth.info/Waratah-Strata-Management-prevented-owners-from-receiving-amendments-for-SP52948-Motions-at-AGM-2019-with-consequence-of-not-ratifying-all-contracts-and-major-expenses.pdf>

19) Ms. Godbee failed to acknowledge ongoing maintenance problems that affect her own property in request to her on 19 February 2025, where latest issue in her unit was published in Block D elevator

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Waratah-Strata-Management-ignored-complaint-about-non-compliance-with-NCAT-Order-2024-00454780-19Feb2025.pdf>

Her Lot 142 in Block D already had lot of disasters, as some of the collected evidence shows (one ponders the question where she finds the courage to say that Waratah Strata Management and Uniqueco Property Services provide good services - same applied to their predecessors):

15/01/2018 U142 Install Shelf to Cover Hole in Wall	Macquarie Maintenance Services	\$1,265.00.00
04/12/2017 U142 Water Leak in Loungeroom	NCB Plumbing Pty Ltd	\$4,728.00.00
02/09/2019 U142 Ceiling Repair after Water Leak	W & M Gordon Property Management	\$227.27.00
22/06/2020 U142 Sliding Door	Complete Window Service Pty Ltd	\$340.00
06/07/2020 U142 Reinstall Shelving	Macquarie Maintenance Services	\$250.00
06/07/2020 Water Leak into U142	NCB Plumbing Pty Ltd	\$1,054.00
01/06/2020 U142 Repairs after Water Leak	W & M Gordon Property Management	\$381.82
06/05/2022 Block D CA Top Floor/U142 Ceiling Repairs	Macquarie Maintenance Services	\$330.00

It is worth noting that two and half roofs (whole Block A and C, and half of Block B) have not had proper full-scale membrane water isolation since 1996 (in spite of Napier & Blakeley's report in August 2012 which cost owners more than \$12,000.00).

Whole Block D and half of Block B membranes were replaced in 2015 with ONLY five-year warranty due to excessive neglect of common property and cost owners about \$180,000.00

Membranes on rooftops of Block A and C have never been fully refurbished since 1997.

20) Ms. Godbee deliberately failed to address NCAT issues in case 2024/00454780 and directly contributed to preventing owners having detailed information about it (including being instrumental in organizing two committee meetings on 6 January 2025 and 6 February 2025 that did not comply with strata regulations)

<https://www.nswstratasleuth.info/SP52948-NCAT-case-2024-00454780.html>

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

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001-explanation-why-Lot-158-uses-phrase-lie-public.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001-summons-committee-member-Stan-Pogorelsky-public.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/NCAT-2024-00454780-001-extract-from-summonses-issued-to-SP52948-committee-member-Stan-Pogorelsky-7Mar2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Owners-prevented-from-having-information-three-NCAT-2024-00454780-orders-since-20Feb2025-as-of-7Mar2025.pdf>

<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>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Lot-158-warning-to-Bannermans-Lawyers-about-NCAT-case-2024-00454780-20Feb2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Motions-by-Lot-158-Feb2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-repeated-failures-to-comply-with-NCAT-orders-in-case-2024-00454780-23Mar2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SUMMARY-NCAT-case-2024-00454780-SP52948-failed-to-comply-with-orders-multiple-times-27Mar2025.pdf>

21) Ms. Genelle Godbee was active participant in two failed Extraordinary General Meetings on 25 March 2025 (agenda never sent to any owner and not published on notice boards) and on 1 May 2025 (allegedly due to lack of quorum, but minutes not published on Waratah Strata website, not sent to owners, and not published on notice boards)

22) Ms. Genelle Godbee failed to respond to these concerns since March 2025