

Motion: Confirm NCAT case 2024/00454780 legal concerns

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

1) Waratah Strata Management and committee members failed to inform owners about NCAT case 2024/00454780 and orders sought:

- Access to strata documents as per SSMA 2015 Section 188.
- Summons committee member Mr. Stan Pogorelsky.
- Remove committee member Stan Pogorelsky as per SSMA 2015 Section 238.
- Rescind Special By-Law Unreasonable-Communications as per SSMA 2015 Section 150.
- Bannermans Lawyers conflict of interest and lack of disclosure.
- Electronic delivery of documents and website evidence.

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

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

2) One of main orders to be considered by the Tribunal is strong evidence of misconduct that Lot 158 alleges for Mr. Stan Pogorelsky, which includes (but is not a full listing):

<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>

- Unfinancial since 1999, where he was elected to be a committee member without disclosure of outstanding debt for gas heating levies (non-democratic process), and used his position to benefit himself as a lot owner and a small group of other owners (who were also unfinancial and allowed to vote, and some of them even be elected as committee members), contrary to the interests of majority of other owners.

It took 13 years for Mr. Pogorelsky to admit at an official committee or general meeting that he had enjoyed use of gas heating without Special By-Law and resolution at general meeting.

It took 17 years for Mr. Pogorelsky to officially admit at an official committee or general meeting that he had enjoyed use of gas heating without paying prescribed levies and 10% simple interest per year, and then continued to mislead the owners about his real debt, directly defrauding owners corporation.

- Mr. Pogorelsky, whilst unfinancial without disclosure to owners and the Tribunal, submitted false statements to CTTT since 2011 and continued to do so through Solicitor Adrian Mueller until 2020.
- Mr. Pogorelsky, whilst unfinancial, was one of the accessories in helping Solicitor Adrian Mueller falsify evidence in CTTT case SCS 12/32675 and NCAT case SC 20/33352, which generated five fraudulent insurance claims and knowingly allowed Solicitor Adrian Mueller to make profits at owners corporation expense:

Four insurance claims for non-existent “Defence of Lot 3” after secret insurance policy change several weeks before the first claim. CHU Insurance paid \$24,919.31 (GST excl) in total. Four years later, CHU Insurance forced recovery of \$8,800.00 from SP52948.

One insurance claim with SUU Insurance for NCAT case SC 20/33352. Insurance company paid \$19,758.14 (GST excl) on 24 March 2022 (just six days after Supreme Court Barrister Julie Wright’s initial correspondence on 18 March 2022), as confirmed in secret email from Waratah Strata Management to committee members on 25 March 2022. SUU Insurance got reimbursed one year later for \$14,917.60 (GST excl) when Lot 158 paid Supreme Court “penalty” in amount of \$23,744.42 (GST excl) for the same Solicitor’s claim (\$25,158.14 (GST excl)).

- Mr. Stan Pogorelsky, directly supported racism on at least three different occasions whilst unfinancial to vote and be a committee member.

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

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

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

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

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

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

- Unredacted electronic copy of all email correspondence between SP52948 representatives and Bannermans Lawyers since 10 December 2024.
- Unredacted electronic copy of email(s) that provided Bannermans Lawyers with signed version of their Standard Costs Agreement before attending Directions Hearing on 15 January 2025.
- Unredacted electronic copy of email(s) that provided Bannermans Lawyers with minutes of committee meeting on 6 January 2025 before attending Directions Hearing on 15 January 2025.
- Unredacted electronic copy of email(s) that provided Bannermans Lawyers with signed version of their Standard Costs Agreement before attending Directions Hearing on 20 February 2025.
- Unredacted evidence that all owners were sent the full agenda for committee meeting (via email and Australia Post) in a timely manner before scheduled meeting on 6 January 2025.
- Unredacted evidence that all owners were sent the full agenda for committee meeting (via email and Australia Post) in a timely manner before scheduled meeting on 6 February 2025.
- Proof that agenda and minutes for meetings on 6 January 2025 and 6 February 2025 were published on Waratah Strata Management website before, on, and after the meetings before second Directions Hearing on 20 February 2025.
- Proof that minutes for meeting on 6 February 2025 were published on six notice boards before or on 20 February 2025,.
- Proof that Bannermans Lawyers engaged express courier to deliver printed files to Lot 158 before, on, or after 12 February 2025, as per Directions Hearing Orders you received on 15 January 2025. The evidence must include proof of express courier payment, signature of the person who received your documents, date when these events happened, and evidence what Waratah

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

Explanatory notes:

Motion is designed to inform owners about NCAT case 2024/00454780.

Motion: Confirm non-compliance of committee meetings on 6 January 2025 and 6 February 2025 and Bannermans Lawyers conflict of interest

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

1) Meetings on 6 January 2025 and 6 February 2025 did not comply with Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 7, 12, 17, and 18, and Interpretation Act 1987 (NSW).

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

2) Bannermans Lawyers failed to address issues of conflict of interest and illegal engagement in NCAT case 2024/00454780:

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

3) Waratah Strata Management failed to provide the Tribunal and owners with Bannermans Lawyers Standard Costs Agreement, signed by SP52948 representative, before, at, and after two Directions Hearings on 6 January 2025 and 20 February 2025.

4) Waratah Strata Management failed to comply with SSMA 2015 Section 105 (disclosure of matters relating to legal costs) within 14 days after the disclosure was made.

Explanatory notes:

Motion is designed to inform owners about non-compliant committee meetings in NCAT case 2024/00454780.

Motion: Confirm financial status in Admin Fund since 1 September 2024

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

1) SP52948 Admin Fund recorded negative balance (deficit) on 31 October 2024 and has continuous problems since Waratah Strata Management took office without valid tender on 1 February 2017 (signed by unfinancial owners Mr. Stan Pogorelsky and Mr. Moses Levitt):

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

31/08/2024	-\$45,584.29	End of FY 2024; Five different versions of this figure exist: -\$76,650.88 in report on 31 August 2024, -\$82,495.29 in report on 5 September 2023, -\$89,919.55 in report on 13 September 2024, -\$71,490.05 in report on 17 September 2024, and -\$45,584.29 on 18 October 2024
26/09/2024	-\$124,073.56	Did not include total costs for half-year insurance renewal costs in amount of \$122,690.28 (GST excl) which Waratah Strata Management hid
02/10/2024	-\$124,438.24	Did not include total costs for half-year insurance renewal in amount of \$122,690.28 (GST excl) which Waratah Strata Management hid since 24 September 2024
14/10/2024	-\$147,150.28	Did not include total costs for half-year insurance renewal in amount of \$122,690.28 (GST excl) which Waratah Strata Management hid since 24 September 2024
16/10/2024	-\$194,340.99	Did not include total costs for half-year insurance renewal in amount of \$122,690.28 (GST excl) which Waratah Strata Management hid since 24 September 2024
19/10/2024	-\$168,185.23	Did not include total costs for half-year insurance renewal in amount of \$122,690.28 (GST excl) which Waratah Strata Management hid since 24 September 2024
23/10/2024	-\$294,324.93	Insurance premium for half-year renewal listed at \$122,690.28 (GST excl)
25/10/2024	-\$325,061.80	
31/10/2024	-\$325,441.80	End of FY quarter, allegedly no additional expenses since 25 October 2024, highest negative balance for SP52948 ever achieved, that figure does not include \$122,690.28 insurance premium (GST excl) for the second half of FY 2025. Taking that into account, more realistic negative balance (deficit) in Admin Fund on 31 August 2024 would be -\$448,132.08
01/11/2024	-\$80,061.80	After collection of new levies
24/12/2024	-\$196,041.57	
8/01/2025	-\$204,274.84	
15/01/2025	-\$211,143.81	Day of first NCAT Directions Hearing in case 2024/00454780
27/01/2025	-\$211,864.18	Monthly salary for Uniqueco Property Services in amount of around \$38,000.00 not listed
28/01/2025	-\$211,864.18	Monthly salary for Uniqueco Property Services in amount of around \$38,000.00 not listed

29/01/2025	-\$211,864.18	Morning figure: Monthly salary for Uniqueco Property Services in amount of around \$38,000.00 not listed
29/01/2025	-\$282,251.22	Afternoon figure: Difference in Admin Fund from the morning balance was more than \$81,000.00
30/01/2025	-\$299,433.75	
31/01/2025	-\$299,011.55	End of FY quarter
01/02/2025	\$25,988.45	After collection of new levies
17/02/2025	\$5,844.12	Monthly salary for Uniqueco Property Services in amount of around \$38,000.00 not listed
20/02/2025	-\$48,227.14	Day of second NCAT Directions Hearing in case 2024/00454780
23/02/2025	-\$48,400.69	

2) Notice of the meeting sent on 24 December 2024 did not disclose the financial status in Admin Fund which 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>

3) Admin Fund had negative balance (deficit) in amount of -\$196,041.57 on the day of committee meeting on 6 January 2025, without disclosure to owners:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-6Jan2025.pdf>

4) Notice of the meeting sent on 24 January 2025 did not disclose the financial status in Admin Fund which had negative balance (deficit) in amount of -\$211,864.18:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-24Jan2025.pdf>

5) Two days before the end of the quarter on 31 January 2025, Waratah Strata Management suddenly updated the financial status:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-morning-29Jan2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-afternoon-29Jan2025.pdf>

Massive differences between morning and afternoon on 29 January 2025 were obvious. Negative balance (deficit) grew from -\$211,864.18 to -\$282,251.22, without disclosure to owners.

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-massive-differences-in-Admin-Fund-between-morning-and-afternoon-29Jan2025.pdf>

6) Waratah Strata Management and committee members failed to provide evidence on how Admin Fund was funded during poor cashflow periods and where was money coming from to pay regular bills and invoices.

7) Property and Stock Agents Regulation 2022 has the following clause in Section 5:

5 Indemnification of strata managing agent prohibited

An agency agreement under which the agent will exercise the functions of a strata managing agent must not contain a term that indemnifies the agent against a liability to pay a fine arising under the Strata Schemes Management Act 2015, section 57(1).

Explanatory notes:

Motion is designed to inform owners about failure by Waratah Strata Management and committee members to manage common funds in prudent manner.

Motion: Confirm lack of evidence of Lot 3 and Lots 136/137 insurance indemnity for exclusive rights to common property

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

Waratah Strata Management failed to provide evidence that Lot 3 and Lots 136/137 were compliant with their requirement to have insurance indemnity for exclusive rights to common property since 1 February 2017.

Explanatory notes:

Motion is designed to inform owners about failure by Waratah Strata Management and committee members to enforce and verify compliance with Special By Law 3 and 7.

Motion: Amend Special By-Law 14 Paragraph (10)

The Owners Corporation SP52948 by SPECIAL RESOLUTION approves the following:

1) Modify paragraph (10) from:

In approving any application made under this By-Law, the Strata Committee may impose further conditions or fees as it sees fit.
To:

In approving any application made under this By-Law, the Strata Committee may impose further conditions as by strata and other applicable laws.

2) Strata Legislation Amendment Bill 2023 introduced the change that a pet bond or fee can no longer be charged by the owners corporation and Waratah Strata Management failed to act upon it.

3) SP52948 must comply with SSMA 2015 Section 105A:

Bonds or fees relating to keeping of animals not payable

An owners corporation must not require an owner or occupier of a lot to -

(a) pay a bond or fee relating to the keeping of an animal on the lot, or

(b) obtain insurance for an animal kept on the lot.

Explanatory notes:

Motion is designed to enforce SP52948 compliance with SSMA 2015.

Motion: Solicitor Adrian Mueller continued to be illegally engaged in and since 2024 without providing useful services to SP52948

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following:

1) In Motion 1 of agenda of the committee meeting on 24 December 2024, it stated:

THAT the minutes of the last meeting of the strata committee held on 2 April 2024 be confirmed.

2) This automatically invalidated alleged meetings on 19 September 2024 and 23 May 2024. In September 2024, strata manager sent notice for paper committee meeting, scheduled for 19 September 2024, which included Motions about NSW Fair Trading Mediation in case 00994497 and attempt to engage Solicitor Adrian Mueller.

Agenda for that meeting was never published on Waratah Strata website. Minutes of that meeting were never published on notice boards, or on Waratah Strata website, and not sent to any owner. Lot 158 notified NSW Fair Trading about it on 25 September 2024.

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-A-notice-board-agenda-for-EC-meeting-23May2024.webp>

3) Strata meeting on 2 April 2024 was non-compliant.

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-agenda-EC-meeting-26Mar2024.pdf>

Strata Plan SP52948 committee meeting dated 2 April 2024, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA) Section 7, 12, 17, and 18, and Interpretation Act 1987 (NSW).

Agenda was created on 26 March 2024 and scheduled for 2 April 2024. Excluding date of creation, meeting date, public holidays, and the weekend, only two days were allowed for delivery of notice to all owners. As per Strata Roll dated 31 January 2017, more than 32% of owners had requested postal delivery of notices – that figure was hidden from owners by Waratah Strata Management in subsequent years.

4) No owner received full information about financial status, where Admin Fund had deficit (negative balance) of -\$190,762.04 one day before the agenda was sent to owners:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-25Mar2024.pdf>

5) No owner received full information about financial status, where Admin Fund had deficit (negative balance) of -\$200,148.73 on the day of the alleged meeting:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-2Apr2024.pdf>

6) Agenda was not detailed, especially the details of Solicitor Adrian Mueller's costs in Standard Costs Agreement.

7) Agenda did not contain details of time and place of the meeting, denying 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.

8) None of six notice boards published agenda of the alleged meeting at any time before the meeting (photo evidence was collected).

9) Meeting did not satisfy quorum (out of four allegedly valid votes, one was not legal committee members: Mr. Stan Pogorelsky):

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-minutes-paper-EC-meeting-2Apr2024.pdf>

10) Waratah Strata Management and committee members continued to use services of Solicitor Adrian Mueller in spite of knowledge that he was being investigated for serious professional misconduct and crime (lying to NCAT and Supreme Court, withholding evidence, involvement in insurance fraud, overcharging for non-existent services, and much more) by Office of Legal Services Commissioner and Law Society of New South Wales.

11) Significant legal expenses were recorded in Income & Expenditure Report on 23 May 2024 - jump from \$921.93 on 22 May 2024 to \$4,471.93 on 23 May 2024. Waratah Strata Management and committee members still hide details of these payments, as of February 2025:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-significant-legal-expenses-23May2024.png>

12) Solicitor Adrian Mueller was engaged to provide these services, without any results ever being published for owners or By-Laws updated:

(i) provide advice in relation to recent communication from Lot 158; and

(ii) draft additional by-law for storage of electric bikes, scooters and other electric lithium battery powered mobility equipment.

Explanatory notes:

Motion is designed to inform owners about Solicitor Adrian Mueller continuous illegal engaged in 2024 without providing useful services.

Motion: Issue order to Uniqueco Property Services staff to use only allocated parking space for parking their vehicles

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following and issue notice of non-compliance for parking offenses by Uniqueco Property Services:

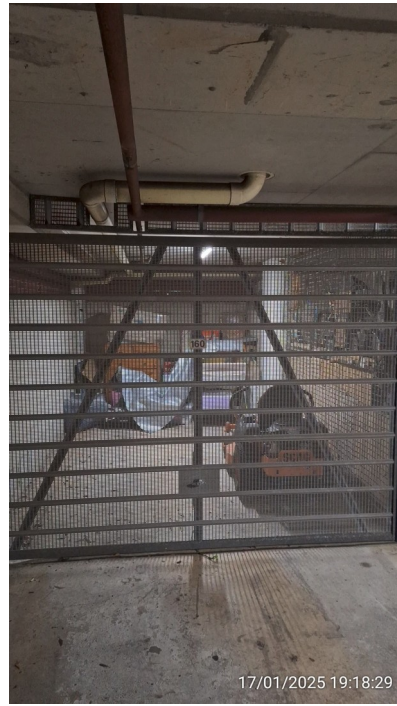
1) Uniqueco Property Services staff must not park their vehicles in private garages, or on common property outside the designated area near tennis courts, unless approved through Special By-Law at general meeting or private owners personally approve it in their garages (also part of Special By-Law). In case where private owners themselves allow access to their garages, they and Uniqueco Property Services shall be personally liable for any damage to common and private property.

2) Since around 2021, building manager Mr. Steve Carbone started using private garages for his car and van, without owners corporation approval at any legally-convened meeting, risking damages to common property, and wasting owners corporation funds for dedicated parking spot, which was typically left empty near tennis courts. Based on photo and video evidence, Mr. Carbone uses eight private garages in SP52948 basement:

<https://www.nswstratasleuth.info/SP52948-persistent-problems-with-parking-on-common-property.html>

<https://www.nswstratasleuth.info/SP52948-building-manager-Steve-Carbone-parking-in-private-garages.pdf>

3) He is also parking the ride-on mower in private garages, in recent times mostly in garages of Lot 147 and 160.



4) Committee member Mrs. Marianna Paltikian verbally defended Mr. Carbone when directly asked about it - Crime Stoppers case 1022653 on 6 December 2024 (illegal use of electric scooter in the complex and parking on common property by Mr. Steve Carbone since 2020, with emphasis on threats by Mr. Carbone during the collection of photo evidence, including making loud repetitive orders to Lot 158 to “go back to Block A”, presumably not allowing him to walk freely within the complex).

Explanatory notes:

Motion is designed to inform owners about insurance and safety risks with parking offenses by Uniqueco Property Services staff.

Motion: Issue order to Uniqueco Property Services to stop riding and parking electric scooter on common property

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following and issue notice of non-compliance for electric scooter offenses by Uniqueco Property Services:

- 1) Uniqueco Property Services staff must ride and park the electric scooter on common property, and charge it by using electricity supplies owned by SP52948, unless approved through Special By-Law at general meeting.
- 2) Waratah Strata Management was warned about building manager's use of scooter as early as 23 December 2020.
- 3) Waratah Strata Management, insurance company, and committee members were repeatedly warned about scooters since 18 August 2023 and again in August 2024.
- 4) At non-compliant committee meeting on 2 April 2024, Solicitor Adrian Mueller was allegedly engaged to draft additional by-law for storage of electric bikes, scooters and other electric lithium battery powered mobility equipment. Such Motion was not presented at AGM on 28 November 2024 and Waratah Strata Management refused to comment about costs paid to the Solicitor. The committee meeting on 2 April 2024 failed to meet the quorum (7 of 9 strata committee members were allegedly financial for the purposes of this meeting but out of 4 who voted at the meeting, one was, in reality, unfinancial to vote and illegal to be a committee member due to self-nomination and unpaid gas heating levies - Mr. Stan Pogorelsky, Lot 181) and the other due to self-nomination at previous general meetings (Mr. Ramesh Desai, Lot 159).
- 5) Uniqueco Property Services manager was witnessed riding the electric scooter on footpath within the complex, in basement of the complex, on walkpath (sidewalk) on Fontenoy Road and Lane Cove Road near the complex, on driveway near townhouses and visitors' carpark.
- 6) Uniqueco Property Services manager missed hitting Lot 158 car with his scooter near townhouse 211 several months ago (he did not properly negotiate the curve near townhouse 211 as Lot 158 was driving towards carwash area).
- 7) Another unanswered question is where this scooter is recharging battery as we do not have certified connections and they are not allowed in the complex.
- 8) Another unanswered question is fire risks and liability for any damage and injury.

9) In June 2024, News.com published "Lithium-ion batteries causing thousands of fires a year in waste facilities, trucks and homes". In it it said that Australia produced about 3300 tonnes of lithium-ion battery waste each year, which has caused more than 10,000 fires annually in waste management facilities and trucks alone. NSW Minister for the Environment Penny Sharpe said fire and Rescue NSW attended more than 270 lithium-ion battery fires in 2023 alone, but they knew this was just a small fraction of the true number of battery fires. In Victoria last year, emergency services responded to at least one lithium-ion battery fire each week. In WA, the Department of Fire and Emergency Services responded to 70 fires ignited by lithium-ion batteries in the first six months of 2024, compared to 110 for 2023. Queensland authorities recently recorded 47 residential structure fires, eight non-residential structure fires, and 38 other fires that were caused by lithium-ion batteries.

10) Fire and Rescue NSW (FRNSW) in their report "RNSW, Fire safety recommendation for Electric Vehicles and charging infrastructure" recommended the following measures: Make sure that EV is identifiable by emergency services, when installing charging equipment, ensure the charging cable and/or unit is electrically compliant and installed by a qualified electrician to AS/NZS 3000 Electrical Installations, smoke alarm or a heat alarm is installed in garages where an EV is regularly parked or charged, when charging EV, only use extension leads and power sockets that are intended for use in the charging of electric vehicles.

11) On 18 November 2024, News Corp published video of apartment unit in Camptertown being destroyed due to lithium-ion battery charging.

12) Scooter riders, just as other road users, must comply with all applicable NSW road rules.

Personal e-scooters remain illegal on NSW roads and road-related areas, including footpaths, shared paths and bicycle lanes.

- One can only use scooters on private property.
- E-scooter shared schemes are being trialled in designated local government areas in NSW.
- Person must be 16 years or older to hire and ride a shared e-scooter within a trial area. Hired shared scheme e-scooters are only able to be used on roads and road-related areas in the designated e-scooter trial areas. It is illegal for privately owned e-scooters to be ridden on NSW roads or road related areas, including in trial areas.
- Safety rules in trial areas: hire a shared e-scooter only from the selected provider in the trial area, use a shared e-scooter on selected roads, bike paths and shared paths, in the trial area stay under 10km/h on shared paths and 20km/h on the road, always wear an approved helmet, not carry passengers, and not use a mobile phone whilst riding.
- There were a few trials in the following areas: in Albury from 15 December 2023 to 14 November 2024, in Western Sydney Parklands and Australian Botanic Gardens Mount Annan from the end of July 2022 to the end of October 2022, and in Lake Macquarie from December 2022 to May 2024.
- The Kogarah trial started on 10 January 2024.

Explanatory notes:

Motion is designed to inform owners about insurance and safety risks with electric scooter usage on common property by Uniqueco Property Services staff.

Motion: Committee member Stan Pogorelsky failed to disclose Lot 158's request for issue of summonses for providing documents to NCAT and Lot 158 and attending the Hearing

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following:

1) Mr. Stan Pogorelsky failed to attend NCAT Directions Hearings on 15 January 2025 and 20 February 2025, whilst not disclosing it to owners.

2) At Directions Hearing on 20 February 2025 Bannermans Lawyer stated that they did not represent or act on behalf of Mr. Stan Pogorelsky and could not explain why he was not attending it.

3) Mr. Pogorelsky actively prevented access to strata documents before, at, and after AGM on 28 November 2024, whilst unfinancial to vote and be a committee member:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Lot-158-request-access-to-strata-documents-2Sep2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Lot-158-request-access-to-strata-documents-Jan2025.pdf>

4) Mr. Pogorelsky failed to provide nine documents that will significantly decrease costs (save money for unnecessary legal fees that do not benefit owners) and time to make proper decisions at the Hearing:

- 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.
- 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.
- Detailed Expenses for financial year 2025 (period from 1 September 2024 to date set by the Tribunal in NCAT case 2024/00454780-001 before the Hearing) - proof Lot 181 did not receive any payments from common funds.
- Detailed Revenue for financial year 2025 (period from 1 September 2024 to 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.
- 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.
- 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.
- Evidence of SP52948 Barrister's response to O'Brien Criminal & Civil Solicitors (who acted on Lot 158 behalf) with answer if Lot 158 was valid committee member, as approved at committee meeting on 7 May 2020. At committee meeting on 7 May 2020, it was published that SP52948 must respond to O'Brien Criminal & Civil Solicitors' letter dated 30 October 2019 and 24 April 2020 (Lot 158 paid significant sum for the engagement of O'Brien Criminal & Civil Solicitors unnecessarily as he was legally valid committee member – strata manager received two emails about Lot 158 being valid committee member on 19 March 2019 and 24 April 2019):

Legality of Committee
Lot 158 a Member of The Committee
Defamation
Mediation
Access to Documents

- 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.
- Current contract with Uniqueco Property Services – check if Lot 181 signed it while unfinancial to vote and be a committee member.

Explanatory notes:

Motion is designed to inform owners about Mr. Stan Pogorelsky's unfinancial status and misconduct since 1999.

Motion: Waratah Strata Management failed to disclose insurance commissions in agenda for AGM 2024 and provided false statement about it when questioned at the meeting on 28 November 2024

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following:

1) In agenda for AGM 2024, Waratah Strata Management did not disclose insurance commissions in amount of \$9,936.71 for only half-year renewal, as required by SSMA 2015, Section 60 (1), (2) (disclosure by strata managing agents). The agenda in Motion 14 falsely claimed:

THAT the owners corporation accept the report from the managing agent to the owners corporation which outlined commissions as disclosed in the insurance report. Waratah Strata Management is committed to the development and training of its staff and, in addition to formal training, from time to time arranges for unpaid presentations & training from industry professionals.

2) In agenda for AGM 2024, Waratah Strata Management made an ambiguous disclosure of training services in amount of \$100.00 per person per year, which, if applied to owners in the complex amounted to \$21,800.00 for the insurance commissions. The agenda in Motion 14 claimed:

The estimated value of training services is estimated at less than \$100 per person per year.

3) Waratah Strata Management coerced owners to vote against report of their excessive and unnecessary insurance commissions, which directly benefited strata agency but not the owners corporation:

<https://www.nswstratasleuth.info/SP52948-insurance-premiums-and-commissions-since-1997.html>

SP52948 Financial Year	Insurance Premiums (GST excl)	Difference to previous year	Comments and insurance commissions paid to strata manager (important note: BCS Strata Management acquired Raine & Horne Strata Management in 2010, so it is effectively the same company since 1999)
2017	\$65,480.98	1.69%	BCS Strata Management not allowed to receive insurance commissions
2018	\$75,503.19	15.31%	\$6,570.16 paid to Waratah Strata Management
2019	\$81,382.12	7.79%	\$6,084.84 paid to Waratah Strata Management
2020	\$80,320.14	-1.30%	\$5,633.62 paid to Waratah Strata Management
2021	\$87,404.90	8.82%	Solicitor Adrian Mueller fully involved in forcing insurance claims for his alleged work. \$6,541.55 paid to Waratah Strata Management
2022	\$99,132.62	13.42%	Insurance claim for Solicitor Adrian Mueller (on 25 March 2022 Waratah Strata Management listed revenue from insurance claims in amount of \$19,758.14. Insurance broker forced SP52948 to pay extra \$1,617.37 (GST incl) as per invoice on 9 August 2022 for overdue excesses dated 20 September 2021 and 19 April 2022. SP52948 was forced to repay \$4,545.45 (GST excl) to insurance company for Solicitor Adrian Mueller's legal costs in NCAT case SC 20/33352. \$6,541.55 paid to Waratah Strata Management
2023	\$149,529.07	50.84%	Insurance renewal was due on 21 September 2022 but paid on 26 September 2022 (creating risk of uncovered common property for period of five days). SP52948 was at high risk due to expired insurance. SP52948 was forced to repay \$15,200.15 (GST excl) to insurance company for Solicitor Adrian Mueller's legal costs in NCAT case SC 20/33352. \$6,541.55 paid to Waratah Strata Management
2024	\$181,778.06	21.57%	Insurance renewal was due on 21 September 2023 but not listed on Waratah Strata Management even as late as 11 October 2023. \$9,936.71 paid to Waratah Strata Management
2025	\$122,690.28 (covering only half-year period!)	34.98%	Insurance renewed only for HALF-YEAR period (until 21 March 2025) due to lack of funds in Admin Fund and HIGH legal risks; full insurance costs including all fees and levies was undisclosed in Admin Fund as of 22 October 2024. Insurance company warnings in their policy on 24 September 2024: <i>"Building Defects - Additional policy exclusion Building Defects and remedial work exclusion (applicable to all sections). We will not pay any claims for Damage, Personal Injury, Property Damage, Loss, or legal expenses caused directly or indirectly by, contributed by or arising from any of the defect in any item, structural defect, faulty design, faulty workmanship error or omission as outlined within the report issued by Fire and rescue NSW dated 08/11/2019 and any subsequent reports."</i> \$9,936.71 paid to Waratah Strata Management in spite of advance warning to executive committee not to allow it

4) On 19 September 2024, the NSW Parliament passed the Strata Managing Agents Legislation Amendment Bill 2024 ("The Bill") in response to growing concerns about the practices of strata managing agents.

- Property and Stock Agents Act 2002 (PSAA 2002) changes in Section 57 Rebates, Discounts and Commissions dictate that an approval from the owners corporation is required for any commissions or training services, which must be detailed in the motion. This includes:

Amount and calculation of any commission.

The monetary value of any training or an estimate if unknown.

Nature of the relationship between the strata managing agent and the provider of the commission or training.

Explanation of why the commission or training serves the best interests of the owners corporation.

Confirming that accepting the gift or benefit does not breach obligations under the Property and Stock Agents Regulation 2022.

- Strata Schemes Management Act 2015 (SSMA 2015) changes in SSMA 2015:

Section 60 Disclosure of Commissions and Training Services)

Strata managing agents must update the strata committee as soon as practicable upon becoming aware of discrepancies in commissions or training services provided versus what was disclosed at the annual general meeting. This disclosure must include detailed explanations for any variations. Additionally, the Tribunal can order a strata managing agent to repay undisclosed commissions or training services. Significant penalties apply for non-compliance, including 500 penalty units for corporations and 100 penalty units for individuals.

- *Section 71 Strata Managing Agents and Building Managers Interests*

Strata managing agents or building managers are now required to disclose interests before the appointment, with the maximum penalty for non-compliance being 50 penalty units.

- *Section 166 Insurance Quotations*

Strata managing agents must provide at least three insurance quotations detailing new specific information, including base premium amount, commission, stamp duty, broker fees, levy amount, etc.

- SCA's Best Practice Insurance Disclosure Guide:

https://www.strata.community/_files/ugd/276112_612b0311efa4415f82826646bab193af.pdf

5) Due to poor financial status and many risks, SP52948 needs to renew insurance for second half of 2025 by or on 21 March 2025.

Explanatory notes:

Motion is designed to inform owners about unnecessary and excessive insurance commissions that Waratah Strata Management collects.

Motion: Waratah Strata Management engaged BIV Reports to update insurance valuation

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following:

1) BIV Reports was engaged for commissioning poorly prepared 10-Year Capital Works Fund without approval or discussions at general meeting in March 2017:

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

2) BIV Reports was engaged in commissioning poorly prepared 10-Year Capital Works Fund without approval or discussions at general meeting in October 2021:

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

3) Discrepancies in their reports were documented and presented to Waratah Strata Management and committee members several times, without any response from them:

<https://www.nswstratasleuth.info/SP52948-discrepancies-in-BIV-report-for-10-Capital-Works-Fund-in-2017-and-2021-updated-Jan2025.pdf>

4) Critical issue that was not listed in agenda for committee meetings on 6 January 2025 and 6 February 2025: non-compliance with strict orders by SUU Insurance company dated 24 September 2024:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Insurance-Policy-24Sep2024.pdf>

In it, the insurance company stated:

Building Defects

*Additional policy exclusion Building Defects and remedial work exclusion
(applicable to all sections)*

We will not pay any claims for Damage, Personal Injury, Property Damage, Loss, or legal expenses caused directly or indirectly by, contributed by or arising from any of the defect in any item, structural defect, faulty design, faulty workmanship error or omission as outlined within the report issued by Fire and rescue NSW dated 08/11/2019 and any subsequent reports.

Risk Survey

Cover under this policy is subject to a Risk Survey being conducted by Strata Unit Underwriters and implementation by the insured of any suggested risk improvements within 60 days of request.

Should the insured not make the reasonable suggested risk improvements within 60 days of request, and should the

Risk Survey of the premises show an increased risk of loss, damage or liability in relation to the premises, Strata Unit Underwriters may charge an additional premium, change the cover of your policy and/or impose special conditions to reflect the increased risk of loss, damage or liability. Strata Unit Underwriters may also cancel the policy if permitted by the Insurance Contracts Act 1984 (Cth).

It is important for the insured to know that Strata Unit Underwriters may make changes to this Policy as a result of a change in the insured’s information. When there is a change, Strata Unit Underwriters will inform you. If the insured is not satisfied with the changes, the insured may cancel the policy.

5) Instead of addressing fire safety concerns promptly, strata manager and committee members sent orders for insurance valuations to BIV Reports on 8 January 2025:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Maintenance-folder-7Jan2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Maintenance-folder-8Jan2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Maintenance-folder-BIV-asked-to-update-insurance-valuation-8Jan2025.pdf>

6) BIV Reports has been confirmed as company with poor quality of services, and they were contacted multiple times to explain their unprofessional assessments in 10-Year Capital Works Fund but they never replied:

15 April 23017
16 April 2017
15 October 2021

7) As of late-February 2025 Waratah Strata Management listed these Open Work Orders for maintenance and evaluation of risks for OH&S and fire safety (two of them opened since February 2024):

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Maintenance-Open-Work-Orders-folder-23Feb2025.pdf>

Strata Plan 52948

Work Orders			Quotes
▼ Open Work Orders			
Date	Status	Job Summary	No
08/01/2025	Sent	Update Insurance Valuation	20174
04/10/2024	Sent	Sewer Relining	18992
27/02/2024	Sent	Fire safety equipment repairs	16578
13/02/2024	Sent	Fire safety - fire sprinkler repairs	16467

Explanatory notes:
Motion is designed to inform owners about problems with engaging BIV Reports.