

# ACACIA GARDENS NEWSLETTER

Brought to you by your Strata Committee  
December 2022

Dear Owners and Residents,

Wishing you all a Merry Christmas and a Happy new year! Hopefully we have a wonderful summer without too much rain!

A lot has happened since our last newsletter so please read on for the latest updates from your strata committee.

## LATEST NEWS – Annual General Meeting – Friday 9<sup>th</sup> December @12:30pm

The date for the 2022 AGM has been set for Friday, 9 December at 12.30pm at the Masonic Centre – 66 Goulburn Street, Sydney.

The agenda was distributed by BCS last week so you should have received it by now. If you have not received it, please contact our strata manager, Keith ([stratamanager@acaciagardens.com.au](mailto:stratamanager@acaciagardens.com.au)) and ask him to update your email address.

This year, there are a few motions on the agenda that we want everyone to consider. So **Please Come!** It is important that you have your say on the things happening in our home.

Some motions on the agenda that may be of interest include:

- Special Levy

There is no special levy this year. We are sure everyone will be happy to see the end to the special levy – we are! Everyone knows this has been hard but the building repairs, and removal of the flammable cladding are worth it.

- CSR Termination

If you experienced a sense of deja-vu when you read the CSR Termination motion, we understand – we did too. In substance, this motion is to confirm that the OC wants to terminate CSR's contract. Basically, despite the OC already voting to terminate CSR's contract (though the courts), CSR continues to send invoices (over \$19,000 per month) because they appealed the NCAT decision and are waiting for the Tribunal to make another decision. CSR is currently doing NO work in the building so it is difficult to understand why they keep invoicing us.

The Owners Corporation lawyer has recommended that the OC vote again to terminate the contract but this time without reference to court. We note that we have not been paying CSR's invoices and believe that we should follow our lawyer's recommendation to terminate the contract in writing asap.

**Please come to the meeting and vote on this motion.** It is, in our opinion, the most important motion on the agenda and we do not want to risk CSR, and its supporters, using their proxies to defeat this motion. If you cannot attend, please contact someone in the building that you trust who can hold your proxy and vote on your behalf. Strata committee members can hold your proxy – and you can direct them on the proxy form how you want to vote.

- Electric Vehicle Charging Stations

The interest in electric vehicle charging in our building has been divided.

There are some owners who advocate very strongly for it – the argument being that some owners already have electric vehicles and need to charge them; that electric vehicles will only become more popular in the future so the building should future-proof itself now; and that there is evidence that having an EV charging station in a residential building increases its appeal for tenants and new owners. There are also some detractors who have made their views very clear – the argument being that people without electric vehicles should not have to pay for the infrastructure to charge them. We understand both arguments.

Our building does not currently have the infrastructure to allow individual charging stations to be installed in every car space. The first step is to engage a consultant to do a feasibility study to work out how to upgrade the necessary infrastructure. Once the options are known, all owners will have an opportunity to vote on whether to proceed with the expense at a future general meeting.



For this AGM, and as an interim measure, we have identified a location on Level 3 of the car park where we can install shared EV charging stations for a relatively low cost to the OC. These charging stations will be on a user-pay system so there should be no ongoing costs to the OC.

We encourage you to come to the AGM and have cast your vote on this important issue.

- Airconditioning

The OC lawyer, and NSW Fair Trading, have both advised that if air-conditioning equipment/units are located in private lots (attached to walls/in cupboards/on balconies/etc), the responsibility for repairing and maintaining them belongs to the owner of the lot.

Over the past year, a few stage 1 owners have complained that they do not want to pay to maintain/fix their air-conditioning unit in their apartment. Significant time has been taken up by the building manager, strata committee and strata manager dealing with these requests.

The AGM agenda includes a motion to enact a By Law that makes it very clear that the responsibility of air-conditioning equipment located in private lots, belongs the owner. Essentially, it is a “belts and braces” by-law that will hopefully avoid the building manager/strata committee/strata manager spending time in the future explaining who is responsible for what.

Stage 2 units all have individual split AC systems so these are already the responsibility of the individual lot owners.

### Building Management

Reslan, our building manager, has been making great strides to improve the day-to-day management of Acacia Gardens.

Since Kristal has taken over the management of Stage 1 and Stage 2, they have put in place some good longer-term plans to make the building run more smoothly. For example, we now have a comprehensive asset list and preventative maintenance schedule which did not exist previously. All OC assets, like the car park gate, automatic doors, pool equipment, water pumps, mechanical ventilation and car park fans, now have dedicated contracts for regular maintenance instead of the OC having to pay ridiculously high fees for emergency call outs when assets were breaking down.

A sub-committee of the strata committee meets with Reslan fortnightly to go through all aspects of the building. These meetings have been really helpful for the committee to understand what happens on the ground.

Reslan will be getting married soon and we want to take this opportunity to thank him for all his work this year and congratulate him on his upcoming nuptials! He will be taking leave in January to enjoy his honeymoon and we will see him back at 71 Jones St in February. In the interim, Kristal will provide a temporary building manager who will be supported by our existing part-time BM, Miguel.



### Waterproofing

It has been a challenging time with all the rain. The committee and the Building Manager have been trying to source competent, licensed, and experienced contractors who have the capacity to complete more work in this area. Many buildings across Sydney are facing the same problem.

There has been an extensive list of water ingress over the past few months. The building manager and our contractors are working through the list as quickly as possible. We have worked on, or completed, 11 projects since our last newsletter and there are 3 more that have been approved in the last few days.

The waterproofing membrane across the whole building is getting old and we predict that this type of work will become quite common in the years to come. Most of the waterproofing works have not been budgeted in the past. We are now looking at ensuring there is a sufficient buffer in future budgets to address the inevitable future works. If you have a water ingress issue, please inform the building manager and it will be investigated.

## Security & Surveillance System

The new Stage 1 CCTV surveillance system has been a great help to the police in tracking down criminal behaviour within the building and in the neighbourhood around our home.

The cameras in the car park have been fantastic at identifying thieves and the ones on Wattle Street recently helped the police identify criminal activity on Wattle street and a man who entered an adjacent apartment building with a knife. This has been a great investment and improvement to our home.



Pool – There have been a number of instances where non-resident local children/teenagers have been found using the pool and gym. CCTV footage has identified that they have been climbing the fence on Wattle Street and asking residents to let them into the pool door.

The children/teenagers have been violent, very aggressive and abusive toward Security when confronted. Please ensure the door to the gym and pool is always kept closed. This is a fire exit door so it has to be accessible, but it must be closed.

If you see unattended children/teenagers playing in the pool, please contact the building manager or security immediately. For your own safety, please do not confront them yourself. This has been passed to NSW Police who are investigating and following up.

## Elevators – Stage 1 and Stage 2



The ongoing issues with the lifts have taken up hundreds of hours of building manager, security, strata manager and strata committee time. In essence, our lift contractor, OTIS, is not meeting expectations, or maintaining and repairing lifts in a timely fashion. There have been several meetings with OTIS to try to lift the level of service being provided.

The most recent meeting with OTIS, strata committee and building manager occurred in October. During that meeting, the strata committee made it very clear that the OC is unhappy with the level of service being provided. OTIS undertook to address the SC's concerns. Whilst we have not seen a significant improvement, at least OTIS now sends a report to the building manager explaining what they have done onsite after every visit. Despite multiple requests, OTIS had previously not done this. At least now, the building manager can keep track of the issues that are occurring.

OTIS and our Lift Consultant tell us that all lifts are at end of life and need to be replaced – the lifts in Stage 1 are 21 years old and the lifts in Stage 2 are obsolete and OTIS claims to be unable to locate replacement parts. The contract with OTIS will end in 2023. The committee has started the process of preparing a tender to replace all 10 lifts. In doing so, we need to balance the need to find the most cost effective and the least intrusive approach. We have been told that each lift will be out of service for at least 12 weeks while it is being replaced. We understand that the process of replacing lifts will take between 3-4 years (for all 10 lifts) and cost approx. \$3,000,000. This is an important issue that needs to be addressed before it is too late to take action.

## Energy Savings

With the ever-rising cost of electricity, we have been looking at energy saving measures. So far, we have upgraded the whole carpark, fire stairs, and all of Stage 1 floor lobbies to LED lighting. Stage 2 already has LED lighting.



The next area we are looking at is installing a variable speed drive to the Stage 1 condenser water pump and cooling tower. We are also looking at installing variable speed drives in the car park ventilation system. If you have any suggestions on how the building can make more energy savings, please reach out to Reslan who will look into it and advise the strata committee.

## Pets at Acacia Gardens

### **Dogs on Leads**

Please remember that all dogs must be on a lead and under control on common property. This includes lifts, the carpark, lobbies and outside in the courtyard.

Our By-Laws require all dogs to be “tethered” at all times.

Over the past few months, we have had a significant increase in the number of complaints about dogs not on leads approaching people in the building. This is not acceptable. Everyone deserves to feel safe in their own home. Our strata manager has commenced issuing by-law breaches to offenders.

This is our home, a community that we share. Please respect your neighbours. If you are walking around the building with a dog(s) off a lead you are disregarding the by-laws and disrespecting your neighbours.

All dogs must be registered with the OC, please contact our building manager, Reslan, to ensure your dog is registered.

### **Dog Poo Bags and Bins in Courtyard**

We ask dog owners to please remember to pick up after your beloved pooch. The SC has received complaints that certain owners have not been cleaning up after their dogs in the courtyard.

To encourage neighbourly-like behaviour, and to preserve the peace, the SC has asked the building manager to install bins and dog poo bags in the courtyard.

For those residents who do not clean up after their dogs - we remind you that the new CCTV cameras have very good visibility of the courtyard and, if this behaviour continues, the strata manager will be issuing by law breach letters.

## General updates

- **Loan Repayment**

At the last AGM, the OC voted to repay the \$1.5 million loan that was taken out to pay for the essential building works to the façade of Stage 1 and the removal of the cladding from both Stage 1 and 2.

Thanks to the special levy, by 9 December 2022, the balance of the loan will be approximately \$100,000. The SC chose to repay the loan faster than scheduled to avoid paying 9.5% interest. In February 2023, after the last special levy payment has been received, the loan will be repaid in full and the loan account closed.

We are sure this is welcome news for everyone.



### **Legal Proceedings commenced by SunAust Properties (Central Sydney Realty) in the NSW Supreme Court against the OC**

Since our last update, CSR has failed to meet almost every deadline imposed by the Court. Instead, it appears to be trying to delay the proceedings as long as it possibly can. The hearing was supposed to commence in November however it was delayed by CSR because Susan Sun could not attend the hearing. CSR has also told the court that it plans on filing yet more evidence in support of its claim. The court has ordered that CSR has until 12 December 2022 to do so. Judging by CSR's complete disregard for previous court orders, the OC should probably not hold its breath.

Given the extensive delays and overlap between the issues between the Supreme Court matter and those in NCAT, the OC has asked the Supreme Court to transfer CSR's case to NCAT so that both cases can be heard at the same time in the same jurisdiction - saving both parties time and money. CSR has (unsurprisingly) opposed our application. It would seem that CSR is content to continue forcing the OC to spend money on lawyers in two different courts to argue (almost) the same issues.

## **NCAT Application to terminate SunAust Properties (Central Sydney Realty)'s caretaking agreement**

In our last update we notified you that CSR had appealed NCAT's decision to terminate the caretaking agreement. In summary, NCAT terminated the agreement relying on 13 different reasons. CSR's appeal said two things:

1. NCAT did not have the jurisdiction/power to terminate the agreement; and
2. NCAT should not have taken into account the 5% increase in caretaking fees when making its decision.

On 27 October 2022, the NCAT Appeal Panel handed down its decision:

1. Confirming that it **does** have jurisdiction/power to terminate the agreement; and
2. Sending the case back to the lower court to reconsider whether the contract should be terminated without reference to the 5% increase. There are 2 important points here – 1) NCAT has noted that “there is no basis for the 5% increase” and 2) that the only reason it cannot consider the 5% as part of the termination is because this was already the subject to the supreme court case – NCAT would otherwise have jurisdiction in the matter.

This was a win for the OC. However, true to form, CSR has now notified us that it will be appealing the decision of the NCAT Appeal Panel.

### **CSR Conduct**

Throughout all of this, CSR continues to invoice the OC approx. \$19,000 per month (for caretaking of Stage 1 being 110 units). That is approx. \$228,000 per year. And don't forget they also charge \$25,000 per year for stage 2 residents to use the gym, pool and some garbage chutes!

This is even though they are doing NO work in the building. The OC has not been paying these invoices but we raise it here so that you understand the importance of continuing to fight CSR's monetary claim against us. **Don't forget – it is**

**CSR that has sued the OC for damages so we are forced to defend ourselves.**

In comparison, we pay our current building manager, which manages all units in Stage 1 and Stage 2 – all 335 units – less than \$200,000 per year!

### **Relocation of services**

As part of the NCAT proceedings, we learned that the building manager's office at 288 Wattle Street is on a separate land title which is owned by CSR. This was (apparently) a common method that Meriton made extra money from its buildings.

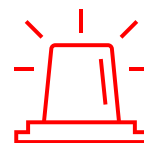
As a result, when NCAT terminated CSR's caretaking agreement, the OC had to remove its property from that area. CSR boldly claimed that it owned the Stage 1 security system – the system that residents use to get in and out of the building and in the lifts! CSR offered to sell the 20-year-old system back the OC. Instead of taking up CSR's offer, we used the opportunity to upgrade the Stage 1 CCTV and security systems. We also relocated the Stage 1 intercom system.

As much as possible, all services were moved to the building management office at 71 Jones street so that the Building Manager and Security have easy access to them.

The only remaining OC property located in CSR's property (and out of our control) at 288 Wattle Street is the Stage 1 Fire Panel. We have left it there temporarily while we work with Sydney Council on a pending Fire Order (discussed below).

### **Fire Systems and report**

Our building undergoes an annual Fire Safety inspection. This year, for many reasons (aging equipment and fire panel system, new and more onerous regulations, etc), our building failed. Sydney Council will be issuing a Fire Order against our building. We are, as a matter of urgency, undertaking all the repairs required by the consultant's report. As part of this, we will need to replace both the fire panels in Stage 1 and Stage 2. There are economies of scale to be gained in combining them into a single panel that monitors the whole building and we are exploring that option.



## COOK UP A STORM

### Lemon Salmon pasta

Serves 2  
Very easy

#### Ingredients:

- 200g thin spaghetti
- 60ml cream
- 2 tablespoons lemon juice
- 2 teaspoons Dijon mustard
- 1 tablespoon chopped dill
- 1 tablespoon salted capers (rinsed)
- 175g hot smoked salmon fillet, flaked

#### Instructions:

Cook spaghetti in a large saucepan of salted boiling water until al dente (10 – 12 minutes)  
Drain the pasta and return to the pan  
Add cream, lemon juice and mustard to the pasta and toss to coat  
Toss through dill, capers and salmon and serve immediately



## SOCIAL & RECOMMENDATIONS

Christmas brings some great free events in Sydney for kids and adults:

Uniting church in Ultimo has an amazing Christmas event each year complete with live camels, a donkey and sheep!

The kids love it.

This year it is on Friday the 16<sup>th</sup> December at 7:00pm in the park next to the Lord Wolseley hotel.

There is also a Christmas service at 9:30am on Sunday 25<sup>th</sup> December at MustardSeed.

*Time for some Good News*  
Hope is in the air  
and camels will be on the green!

**LIVE NATIVITY**  
Donkey, sheep, camels, neighbours, friends and carols

**QUARRY GREEN AT ULTIMO**  
Out the front of the MustardSeed Church & Harris Centre

**FRIDAY 16 DEC @ 7PM**  
Cash donations accepted toward community building initiatives

 MustardSeed Church   
**Uniting Ultimo**

## WHERE TO FIND HELP:

**BUILDING MANAGEMENT FOR ACACIA GARDENS** is located at the office in the reception area of 71 JONES STREET

08:00 to 16:00 – Monday to Friday

10:00 to 13:00 – Saturday

Contact details **Reslan: 0431 084 001** and [bm@acaciagardens.com.au](mailto:bm@acaciagardens.com.au)



**SECURITY FOR ACACIA GARDENS** is located at the office in the reception area of 71 JONES STREET

16:00 to 08:00 – Monday to Friday

13:00 Saturday until 08:00 Monday (weekend)

Contact details **Security: 0410 408 873**

## ADDITIONAL CONTACT INFORMATION

The following are the best ways to contact the people you need:

BCS – Keith Hallet (Strata Manager) Phone: 02 8216 0398 Email: [stratamanager@acaciagardens.com.au](mailto:stratamanager@acaciagardens.com.au)

Strata Committee (all members) Email: [stratacommittee@acaciagardens.com.au](mailto:stratacommittee@acaciagardens.com.au)

Strata Committee Chairperson (Luming) Email: [chair@acaciagardens.com.au](mailto:chair@acaciagardens.com.au)

Strata Committee Secretary (Nick) Email: [secretary@acaciagardens.com.au](mailto:secretary@acaciagardens.com.au)

Strata Committee Treasurer (Philippe) Email: [treasurer@acaciagardens.com.au](mailto:treasurer@acaciagardens.com.au)

Any other enquiries, Email: [newsletter@acaciagardens.com.au](mailto:newsletter@acaciagardens.com.au)

If you want to join the Acacia Gardens Owners groups on either WhatsApp or WeChat, or both, please email us with your phone number to be added. Email: [newsletter@acaciagardens.com.au](mailto:newsletter@acaciagardens.com.au)

You can find the Facebook page at: [Facebook](#)

The Acacia Gardens website has a lot of useful resources including new forms for renovations and pet applications.

Check it out at: [www.acaciagardens.com.au](http://www.acaciagardens.com.au)

Thanks for reading!  
Acacia Gardens Strata Committee