

High steaks

Proposed strata laws could see the end of an Aussie tradition with fines of up to \$2200 being imposed for smoky barbecues.

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Picture: John Appleyard



SYDNEY

Barbecue owners feel heat

Bylaw changes could spell end of balcony BBQ

Deborah FitzGerald

THE great Australian tradition of having friends over for a barbecue might get the chop for unit dwellers under changes to strata laws.

Tenants who create too much smoke when barbecuing their sausages on balconies could face fines of up to \$2200 – double the penalty under old laws.

The strengthening of bylaws on smoke drift into neighbours' apartments is part of a State Government revamp of the laws, which includes 90 amendments.

It will also impact smokers, if the smoke from their cigarettes or cigars drifts into neighbouring units.

If the smoker or barbecue fanatic fails to comply, the matter can be taken to the NSW Civil and Administrative Tribunal, which has the power to issue a fine.

The new act doubles the maximum penalty to \$1100 for each offence.

If the tribunal believes a person has broken a bylaw within 12 months of the tribunal issuing a fine for breaching the same bylaw, the tribunal will have the power to issue a fine of up to \$2200 for each offence.

The new rules acknowledge that smoke drift, such



Changes to strata laws may see the end of the traditional balcony barbecue. Pictured from left: Shalini Scholtz, David Scanlon, Jason Ealey, Anna Crawford, Jessica Knox and front, Geordie the dog. Picture: John Appleyard

as tobacco and barbecue, can be considered a "nuisance or hazard".

NSW Council of Civil Liberties president Stephen Blanks said it could be considered unAustralian but there was no civil right to smoke or to barbecue.

"It might be un Australian to try to stop people using their barbecue but problems between neighbours do arise and there needs to be mechanism in place to deal with it," he said.

Under the bylaw changes, owners' corporations would be able to enforce a ban by issuing a notice to comply to residents.

Individuals already have the power to take a resident who smokes to the tribunal if their actions are thought to create a nuisance or hazard.

But now the owners' corporation would be able to breach offenders rather than leaving it to individual owners.

For and against

» **No further regulation:** Redfern podiatrist Anna Crawford: People have the potential to smoke (cigarettes) on a balcony for hours and hours. A barbecue is pretty much just do your cooking, then it's finished and you eat. It's not going all the time. It's limited, it's social.

» **For tighter controls:** Erskineville's Jason Ealey: If I was living in an apartment and had a barbecue blowing into my house every night, it would be so annoying. I think it needs to be on a case-by-case basis but regulations should be there to protect the apartment owner. I think if you can prove that smoke constantly blows from a balcony into your home, then people can't have them.

