

Strata Plan SP52948

1-15 Fontenoy Road, Macquarie Park, NSW 2113

Smoking in SP52948 - Persistent non-compliance with SP52948 By-Laws and OH&S

Strata managers and maintenance staff failed to ensure compliance with NSW strata acts, SP52948 by-laws, and OH&S regulations in regards to smoking, by silently providing facility for smoking behind fire door 2 in Block A. By doing so, they created:

- Deliberate nuisance to owners, especially in Block A,
- Smoking facility which is not approved by owners corporation at any legally-convened meeting,
- Discrimination against owners in Block A as such smoking facility is not setup in other building blocks in the complex,
- Serious health hazard for fragile owner of Lot 158 due to smoke drift into two bedrooms and the balcony,
- Secondhand smoke - harmful to health, and there is no safe level of exposure (Cancer Council NSW),
- Damage to furniture and cloths in Lot 158 due to persistent cigarette smell,
- Regular obstruction of fire door 2 in Block A,
- Poor disposal of cigarette butts,
- Problems by not ensuring that emergency exits are adequate at all times,
- maintenance staff failed to comply with EC decision on 12th of April 2018,
- Security risk at night since fire door 2 is actively used for smoking but not monitored for access,
- Noise because a notorious smoker constantly uses mobile phone.

The NSW Environmental Planning & Assessment Regulation 2000 requires that "the owner of a building, to which an essential fire safety measure is applicable, is required to maintain each essential fire safety measure in the building". Failure to comply with this legislation can lead to significant fines and possibly serious legal ramifications for those responsible.

The bottom-line is: everyone MUST comply with the fire safety legislation – no excuses.

In an effort to protect residents from this risk, the NSW Government introduced the Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006.

Compliance with fire safety standards is lacking in various areas in SP52948 (photo and video evidence has been collected). Examples:

- There are no displays of yearly fire compliance notices.

- Lot of rubbish, building materials, and even paints are close or near the fire doors.
- Many fire doors do not have proper notices, including warnings about penalties.
- The worst example is Fire Door 2 below Block A, which is, among the other issues, kept open by an owner every day. Where occupants prop open the main fire door is a compliance issue for the Ryde Council to address through issuing of Fire Safety Orders and/or Penalty/Infringement Notices. The reason why fire doors are to be kept closed on a multi storey building is because the building needs to be pressurized for when there is a fire. Each floor needs to have a positive air pressure to stop a fire from spreading.

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SP52948 – Examples of three complaints by Lot 158 about smoking to Waratah Strata Management and maintenance staff in January and February 2019 that were not responded to or acted upon

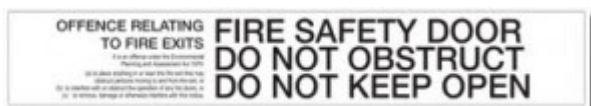
18th of January 2019

9th of February 2019:

Video recording has been collected that Fire Door 2 was opened for more than five hours several days ago, without any valid reason that required it to be opened apart from smoking purposes), and that happened whilst

10th of February 2019.

In NSW all fire doors must permanently display the sign (Fire Safety Door / Do Not Obstruct / Do Not Keep Open) and they must also display this sign outlining the 'Offences Relating to Fire Exits'



The 'Offences Relating to Fire Exits' sign must be displayed at all times, either on the door itself or adjacent to the door (for example, on the wall). It should be located:

- On the "approach" side of all doors leading to a fire escape or fire stair, regardless of where in the building the door is located,
- On both sides of all doors between individual fire compartments where the doors must be kept closed at all times.

SP52948 No Fire Doors in the basement have signs outlining the 'Offences Relating to Fire Exits' but fire doors on level 7 in buildings do





NOTICE
OFFENCES RELATING TO FIRE
EXITS

PENALTY : \$1,000

**FIRE STAIRS
DO NOT OBSTRUCT
DO NOT KEEP OPEN**



2019-02-16 21:21:40

SP52948 All fire doors in the basement have emergency usage signs, except Fire Door 2 in Block A where unrestricted smoking is facilitated by Waratah Strata Management and maintenance staff





2019-02-17 06:39:41



2019-02-17 06:33:42



3

FIRE STAIRS
DO NOT OBSTRUCT
DO NOT KEEP OPEN

FIRE DOOR
EMERGENCY
EXIT ONLY

✓ Push bar to open

2019-02-17 06:36:29



2019-02-17 06:38:20



FIRE STAIRS
DO NOT OBSTRUCT
DO NOT KEEP OPEN

FIRE DOOR
EMERGENCY
EXIT ONLY

2019-02-17 06:37:49

SP52948 "No smoking" notice in basement but missing in most other areas including fire stairs in all buildings except Block C level 2 and 3



NO 
SMOKING
PLEASE
NO SMOKING
PERMITTED IN FIRE
STAIR AREA.
Occupational Health & Safety
(OHS)

2



2019-02-09 07:31:19



2019-02-09 07:30:47

SP52948 EC meeting on 12th of April 2018 – request to maintenance staff to add additional no smoking signs

NO SMOKING SIGNAGE

_____ is to be requested to install additional no smoking signage to common areas including the BBQ area, the pool, tennis court, etc.

By-Law 9 - Depositing rubbish and other material on common property

"An owner or occupier of a lot must not deposit or throw on the common property any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of the owner or occupier of another lot."

Special By-Law 5

"An owner or occupier and their invitees must not smoke whilst on any enclosed area of common property such locations to include but are not limited to building entrance, lift foyers, lifts, fire stairs, garage area, pool area etc. Owners or occupiers shall be responsible to take reasonable steps to ensure that their invitees comply with this By-Law."

Strata Schemes Management Act 1996 Section 117

117 Owners, occupiers and other persons not to create nuisance

- (1) An owner, mortgagee or covenant chargee in possession (whether in person or not), lessee or occupier of a lot must not:
 - (a) use or enjoy the lot, or permit the lot to be used or enjoyed, in such a manner or for such a purpose as to cause a nuisance or hazard to the occupier of any other lot (whether that person is an owner or not), or
 - (b) use or enjoy the common property in such a manner or for such a purpose as to interfere unreasonably with the use or enjoyment of the common property by the occupier of any other lot (whether that person is an owner or not) or by any other person entitled to the use and enjoyment of the common property, or
 - (c) use or enjoy the common property in such a manner or for such a purpose as to interfere unreasonably with the use or enjoyment of any other lot by the occupier of the lot (whether that person is an owner or not) or by any other person entitled to the use and enjoyment of the lot.
- (2) This section does not operate to prevent the due exercise of rights conferred on a developer by the operation of:
 - (a) in the case of a freehold strata scheme, section 28L of the Strata Schemes (Freehold Development) Act 1973, or
 - (b) in the case of a leasehold strata scheme, section 52 of the Strata Schemes (Leasehold Development) Act 1986.
- (3) In this section, *lessee* of a lot in a strata leasehold scheme means a sublessee of the lot.

EC members and BCS Strata Management were fully aware of SP49822 vs May & Ors decision at CTTT in 2006

Owners Corporation SP 49822 v May & Ors (Strata & Community Schemes) [2006] NSWCTTT 739 (6 November 2006)

**CONSUMER, TRADER AND TENANCY TRIBUNAL
Strata & Community Schemes Division**

APPLICATION NOS:	SCS 06/44767 and SCS 06/44783
STRATA SCHEME:	SP 49822
PREMISES:	"..." Sydney
APPLICANT:	Owners Corporation SP 49822
RESPONDENTS:	Chris May and Linda Crossan; Ingwe Group Holdings Pty Limited
LEGISLATION:	<i>Strata Schemes Management Act 1996</i>

ORDERS

I order that:

1. In SCS 06/44767, Chris May and Linda Crossan comply with the provisions of the *Strata Schemes Management Act 1996* s.117 (1) (a) by ceasing to use or enjoy lot "..." in Strata Scheme 49822, of which lot they are occupiers, in a manner or for such purpose as to cause a nuisance to occupiers of other lots by taking necessary action to prevent smoke odour from their cigarettes entering other lots and the common property;
2. In SCS 06/44783, Ingwe Group Holdings Pty Limited comply with the provisions of the *Strata Schemes Management Act 1996* s.117 (1) (a) by ceasing to permit lot "..." in Strata Scheme 49822, of which lot it is owner, to be used or enjoyed in a manner or for such purpose as to cause a nuisance to occupiers of other lots by taking necessary action to prevent smoke odour from its tenants' cigarettes entering other lots and the common property.

SP52948 By-Laws related to smoking and rubbish as secretly registered by Waratah Strata Management on 30th of October 2017

(G) The seal of The Owners-Strata Plan No. 52948 was affixed on 30.10.2017 in the presence of the following person(s) authorised by section 273 Strata Schemes Management Act 2015 to attest the affixing of the seal:

Signature: [Handwritten Signature]

Name: Robert Crosbie

Authority: Strata Manager

Signature: _____

Name: _____

Authority: _____



ALL HANDWRITING MUST BE IN BLOCK CAPITALS.
1705

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3 Obstruction of Common property

An owner or occupier of a lot must not obstruct lawful use of common property by any person.

9 Depositing rubbish and other material on common property

An owner or occupier of a lot must not deposit or throw on the common property any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property.

Special By-Law 5 Smoking

An owner or occupier and their invitees must not smoke whilst on any enclosed area of common property such locations to include but are not limited to building entrance, lift foyers, lifts, fire stairs, garage area, pool area etc. Owners or occupiers shall be responsible to take reasonable steps to ensure that their invitees comply with this By-Law.

Special By-Law 5 Smoking

An owner or occupier and their invitees must not smoke whilst on any enclosed area of common property such locations to include but are not limited to building entrance, lift foyers, lifts, fire stairs, garage area, pool area, etc or smoking anywhere that smoke can drift into other lots causing a nuisance for those residents. Owners or occupiers shall be responsible to take reasonable steps to ensure that their invitees comply with this By-Law.

SP52948 By-Laws related to smoking and rubbish as registered secretly by Waratah Strata Management on 26th of October 2018

(G) The seal of The Owners-Strata Plan No. 52948 was affixed on 26/10/18 in the presence of the following person(s) authorised by section 273 Strata Management Act 2015 to attest the affixing of the seal:

Signature: [Handwritten Signature]
Name: Robert Crossbie
Authority: Strata manager
Signature: _____
Name: _____
Authority: _____



ALL HANDWRITING MUST BE IN BLOCK CAPITALS.
1702

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3 Obstruction of Common property

An owner or occupier of a lot must not obstruct lawful use of common property by any person.

9 Depositing rubbish and other material on common property

An owner or occupier of a lot must not deposit or throw on the common property any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property.

Special By-Law 5 Smoking

An owner or occupier and their invitees must not smoke whilst on any enclosed area of common property such locations to include but are not limited to building entrance, lift foyers, lifts, fire stairs, garage area, pool area, etc or smoking anywhere that smoke can drift into other lots causing a nuisance for those residents. Owners or occupiers shall be responsible to take reasonable steps to ensure that their invitees comply with this By-Law.

Strata Schemes Management Act 2015 Section 153

153 [Owners, occupiers](#) and other persons not to create nuisance

(1) An [owner](#), [mortgagee](#) or [covenant chargee](#) in possession, [tenant](#) or [occupier](#) of a lot in a [strata scheme](#) must not:

(a) use or enjoy the lot, or permit the lot to be used or enjoyed, in a manner or for a purpose that causes a nuisance or hazard to the [occupier](#) of any other lot (whether that person is an [owner](#) or not), or

(b) use or enjoy the [common property](#) in a manner or for a purpose that interferes unreasonably with the use or enjoyment of the [common property](#) by the [occupier](#) of any other lot (whether that person is an [owner](#) or not) or by any other person entitled to the use and enjoyment of the [common property](#), or

(c) use or enjoy the [common property](#) in a manner or for a purpose that interferes unreasonably with the use or enjoyment of any other lot by the [occupier](#) of the lot (whether that person is an [owner](#) or not) or by any other person entitled to the use and enjoyment of the lot.

Note : Depending on the circumstances in which it occurs, the penetration of smoke from smoking into a lot or [common property](#) may cause a nuisance or hazard and may interfere unreasonably with the use or enjoyment of the [common property](#) or another lot.

(2) This section does not operate to prevent the due [exercise](#) of rights conferred on a [developer](#) by the operation of section 82 of the *Strata Schemes Development Act 2015* .

Note : Division 1 of Part 6 contains provisions about the circumstances in which [owners](#) of lots may carry out work that affects [common property](#).

Sydney landlord ordered to pay \$11,000 to tenant because of chain-smoking neighbour

Strata Schemes Management Act 2015 Section 238 - Orders relating to strata committee and officers

(1) The Tribunal may, on its own motion or on application by an interested person, make any of the following orders:

(a) an order removing a person from a strata committee,

(b) an order prohibiting a strata committee from determining a specified matter and requiring the matter to be determined by resolution of the owners corporation,

(c) an order removing one or more of the officers of an owners corporation from office and from the strata committee.

(2) Without limiting the grounds on which the Tribunal may order the removal from office of a person, the Tribunal may remove a person if it is satisfied that the person has:

(a) failed to comply with this Act or the regulations or the by-laws of the strata scheme, or

(b) failed to exercise due care and diligence, or engaged in serious misconduct, while holding the office.

Strata Schemes Management Act 2015 Section 260 – Personal liability

(1) A matter or thing done or omitted to be done by any of the following persons, or a person acting under the direction of any of those persons, does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing [functions](#) as such a person under this or any other Act, subject any of the following persons or person so acting personally to any action, liability, claim or demand:


- (a) an [officer](#) of an [owners corporation](#),
- (b) a member of a [strata committee](#).

(2) Any such liability of an [officer](#) of an [owners corporation](#) or a member of a [strata committee](#) attaches instead to the [owners corporation](#).

The noted exceptions to personal liability, as listed in Strata Community Australia (NSW) publications:

Personal liability

- Office bearers' liability typically excludes:
 - *Dishonest, fraudulent or criminal acts*
 - *Acts in conflict of interest*
 - *Acts outside the scope of the EC's authority*
 - *Acts causing death, personal injury or damage or loss to property*



Breach of a By-Law and penalties in NSW

In NSW, residents in breach of any By-Law risk that the Owners Corporation makes an application to NCAT for the imposition of a civil penalty for breaching the By-Law. Such penalties are quite severe. This penalty carries a monetary penalty of up to 10 penalty units (\$1,100.00).

A repeat offender (one who was fined \$1,100.00 and breached the By-Law again within 12 months of being fined) can be fined \$2,200.00.

In the event that an owner breaches a NCAT Order to, for example, stop smoke drift, or remove an animal, Section 72 (3) of the Civil and Administrative Tribunal Act 2013 provides for a civil penalty. These penalties have increased to up to \$11,000.00 for an individual and \$22,000.00 for a corporation.

Lot 158 submission for EC meeting dated 23rd of February 2010

c) In regards to smoking in the basement area and possible fire door openings in late hours. If this happens again, I really think it is time to set up some alarms. There is no legal or valid reason to use fire doors in late hours of the night or early hours of the morning. Only crooks need them then. So, a nice siren would teach them a lesson. I can guarantee that the doors would never be opened again.

Alarms on fire doors were set up for several years and they achieved excellent results in protecting common property and preventing smoking.

Without any approval by the EC, or notice to owners corporation, the alarms on the fire doors were removed.

2.

(3) Upgrade of Foxtel

Two proposals have been obtained to enable residents to receive the interactive services provided by Foxtel the costs being approximately \$90,000.

Following discussion it was decided not to proceed with this matter to a general meeting at this time due to the matters listed below

- The cost appears high for the additional services being provided.
- There are ongoing annual maintenance costs on the system available which will amount to between \$3,000 - \$10,000.
- Advice is that further changes are due to the Foxtel service in the near future.

(h) Ceiling Repairs u10

Will be undertaken shortly.

(i) Leak into garage area

This work has now been completed.

Item 4

To consider the financial position.

A current comparison of expenditure and balance sheet were examined. It was noted that the administration fund expenses are currently within budget.

The Sinking Fund balance is \$699,496.00

Item 5

To receive a report from the caretaker.

The report was considered and accepted.

Some of the matters raised include

- A resident is smoking adjacent to the fire stairs with the door being left open. This practice needs to cease.
- Signage needs to be installed on the fire doors "to be used for emergencies only". These signs are to be obtained.
- It was agreed that no further signage be obtained at this time.
- The activities of the security staff including procedure was included. The comments were discussed including various recommendations from members however it was decided that the current practices are acceptable and are to continue at this time.
- It was noted that vehicles must be driven slowly on the common area as the driveways are used by pedestrians. Children also at times play on the driveways they need to be supervised as per the regulations.
- Breaches of the parking rules by some residents were noted.

Item 6

To consider correspondence.

Various correspondence was considered.

BCS Strata Management sent warning letter to Lot owner about smoking on 10th of September 2014

10th September 2014

1-15 Fontenoy Road
MACQUARIE PARK NSW 2113

Dear Residents,

Re: **STRATA PLAN 52948 – 1-15 FONTENOY ROAD, MACQUARIE PARK**
UNIT - SMOKING

We are the Strata Managing Agents for the above mentioned strata scheme.

We have been advised of complaints of a resident from unit smoking in the basement area of the complex, which contravenes Special By-Law 5 of your strata scheme, copied below for your reference:

Special By-Law 5

"An owner or occupier and their invitees must not smoke whilst on any enclosed area of common property such locations to include but are not limited to building entrance, lift foyers, lifts, fire stairs, garage area, pool area etc. Owners or occupiers shall be responsible to take reasonable steps to ensure that their invitees comply with this By-Law."

We ask that any occupant of unit and any of their visitor (s), who has / have been smoking in the basement (or any other enclosed area) cease this action immediately and abide by the above mentioned by-law.

Continued contravention of the above By-Law may result in a Notice to Comply order being issued against you, and further action which could result in a fine of up to \$550.00 for each offence.

Your co-operation in this matter will be appreciated.

Yours faithfully,
RAINE & HORNE STRATA-SYDNEY






Russell Young
Portfolio Manager

Complaint by Universal Strata Services to BCS Strata Management about Repeated offender persistent smoking and littering on 20th of October 2014

Mon 20/10/2014 10:37 AM
Ruth Luka
Emailing: 2014-10-15 20.15.54.jpg

To: Russell Young

 You forwarded this message on 5/11/2014 5:18 PM.
We removed extra line breaks from this message.

 Message  2014-10-15 20.15.54.jpg (93 KB)  2014-10-15 20.15.33.jpg (3 MB)

Hi Russell,

These are photos of unit who smokes outside each day in this spot and leaves his butts and empty packets in this garden box. We clean this garden box at least three times a week with this amount of litter. He is the same person who smokes in the basement and in fire stairs throughout the complex.
If there is anything more you may need please contact me.

Regards,
Ruth.

BCS Strata Management sent warning letter to same Lot owner about smoking on 24th of November 2014

24th November 2014

1-15 Fontenoy Road
Macquarie Park NSW 2113

Dear :

Re: **STRATA PLAN 52948 – 1-15 FONTENOY ROAD, MACQUARIE PARK
CIGARETTE BUTTS AND LITTER**

We are the Strata Managing Agents for the above mentioned strata scheme.

We have been advised that an Occupant of unit has been smoking on common property on a daily basis is allegedly leaving cigarette butts on the ground (see photos attached).

Please be advised that this practice is in breach of by-law 9 of your strata schemes by-laws, which reads as follows:

By-Law 9 - Depositing rubbish and other material on common property

"An owner or occupier of a lot must not deposit or throw on the common property any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of the owner or occupier of another lot."

Our office has also been advised that the smoking is taking place in the basement and in the fire stairs throughout the complex. This practice is in breach of special by-law 5 which reads as follows:

Special By-Law 5

"An owner or occupier and their invitees must not smoke whilst on any enclosed area of common property such locations to include but are not limited to building entrance, lift foyers, lifts, fire stairs, garage area, pool area etc. Owners or occupiers shall be responsible to take reasonable steps to ensure that their invitees comply with this By-Law."

Continued contravention of the above By-Laws may result in a fine of up to \$550.00 for each offence.

Your co-operation in this matter will be appreciated.

Yours faithfully,

BCS STRATA MANAGEMENT – EPPING



Russell Young
Portfolio Manager

BCS Strata Management sent warning letter to repeated offender about smoking on 30th of March 2016

30th March 2016

/1-15 Fontenoy Road
Macquarie Park NSW 2113

Dear Sir/Madam,

Re: **STRATA PLAN 52948 – 1-15 FONTENOY ROAD, MACQUARIE PARK**

We are the Strata Managing Agents for the above mentioned strata scheme.

Our office has received complaints regarding an occupant of your unit that is smoking in the garage area. This practice is in breach of special by-law 5 which reads as follows:

Special By-Law 5

"An owner or occupier and their invitees must not smoke whilst on any enclosed area of common property such locations to include but are not limited to building entrance, lift foyers, lifts, fire stairs, garage area, pool area etc. Owners or occupiers shall be responsible to take reasonable steps to ensure that their invitees comply with this By-Law."

Continued contravention of the above By-Laws may result in a fine of up to \$550.00 for each offence.

Your co-operation in is requested to cease this practice immediately.

Yours faithfully,

BCS STRATA MANAGEMENT – EPPING



Gary Mills
Portfolio Manager

BCS Strata Management sent warning letter to owners about smoking on 13th of May 2016

13th May 2016

The Owners and Occupiers
Strata Scheme No. 52948
1-15 Fontenoy Road
North Ryde NSW 2113

Dear Sir/Madam,

**RE: STRATA SCHEME NO. 52948 – 1-15 FONTENOY ROAD NORTH RYDE
REFRAIN FROM SMOKING ON COMMON AREAS AND LITTERING CIGARETTE BUTTS**

We are the Strata Managing Agents for your strata scheme.

Our office has received complaints that occupants of the building are smoking on the balcony and dropping cigarette butts off the balcony onto the ground below.

We write to request that you refrain from smoking on the balcony, as smoke is causing inconvenience to residents.

It would also be appreciated if cigarette butts are disposed of responsibly in your garbage bin. You are reminded of the following by-law under the Strata Schemes Management Act 1996 which applies to your strata scheme:

'By-Law 9 – Depositing rubbish and other material on common property:

An owner or occupier of a lot ;must not deposit or throw on the common property any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property.'

Please be advised that if you are identified in breaching the by-laws of the building, action may be imposed for breaches of the By-Laws under the Strata Schemes Management Act 1996 which allow for fines of up to \$550.00 to be imposed for non-compliance.

Your co-operation in these matters will be appreciated by the Owners Corporation.

Yours faithfully

BCS Strata Management



Gary Mills

Lot 158 complaint ignored by Waratah Strata Management and maintenance staff in July 2018 - with photos on 26th of June 2018, 7th of July 2018, and 13th of July 2018

Occupational Health and Safety hazard – staff supporting smoking by providing access via fire doors and not cleaning up

In spite of many warnings about health hazard and non-compliance with SP52948 By-Laws and SSMA 1996 and 2015, staff of continue to provide direct and unrestricted access through fire doors for smokers.

Three photos, taken on different dates, show lack of maintenance, and poor schedule for cleaning in Block A. By own admission in a phone conversation, the basement areas are allegedly maintained by a 73-year old tenant who is employed by

In the past, even cigarette lighters and dirty cloth was found to be thrown on the grass at the back of Block A for prolonged periods of time. staff need to be constantly reminded of their duties and responsibilities.



Instead of proper resolution of the health and safety issue, persists:

staff silently cleaned up, but the same problem



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 9th of July 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 25th of August 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 22nd of September 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 3rd of October 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 4th of October 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 22nd of October 2018



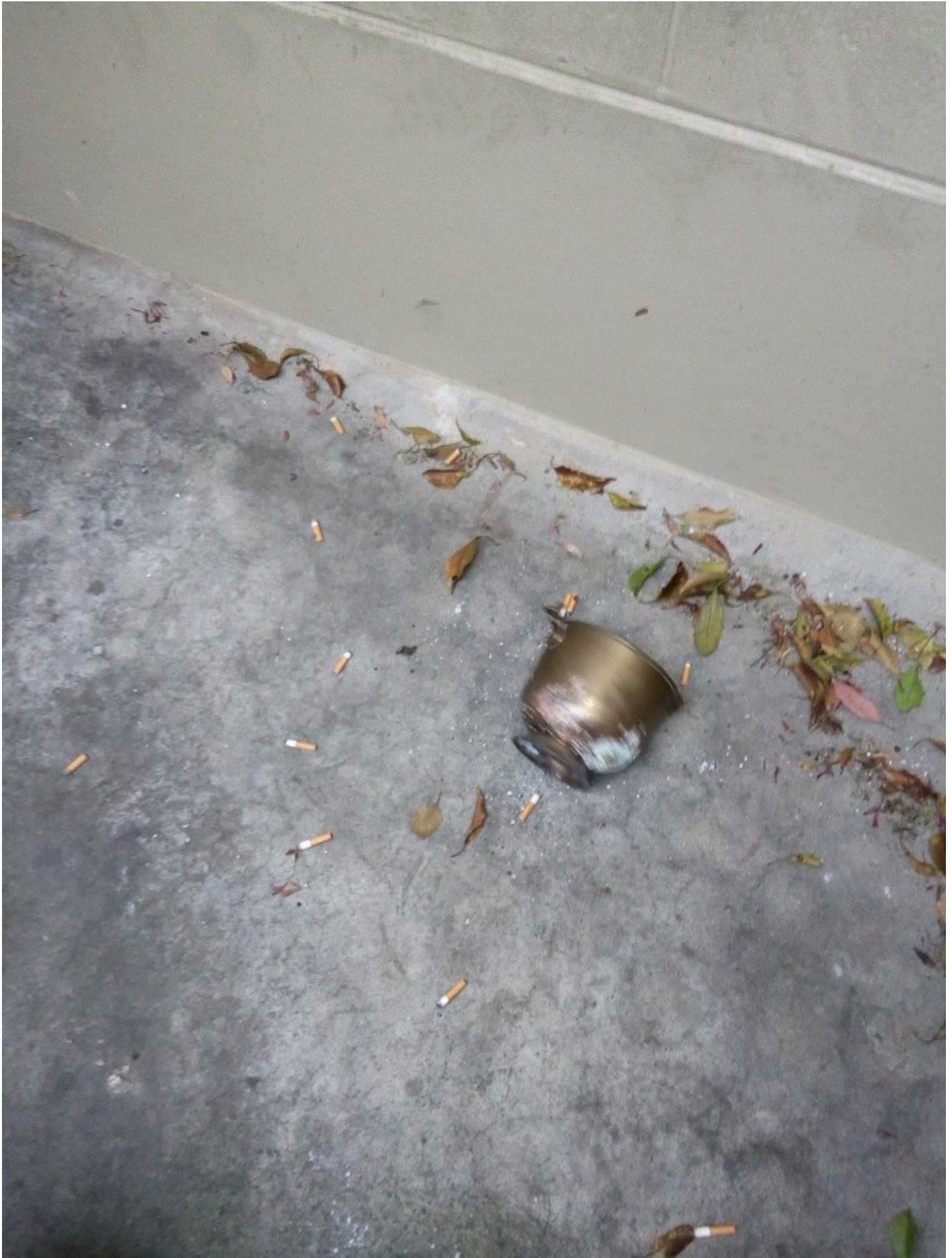
Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 23rd of October 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 26th of October 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 1st of November 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 2nd of November 2018



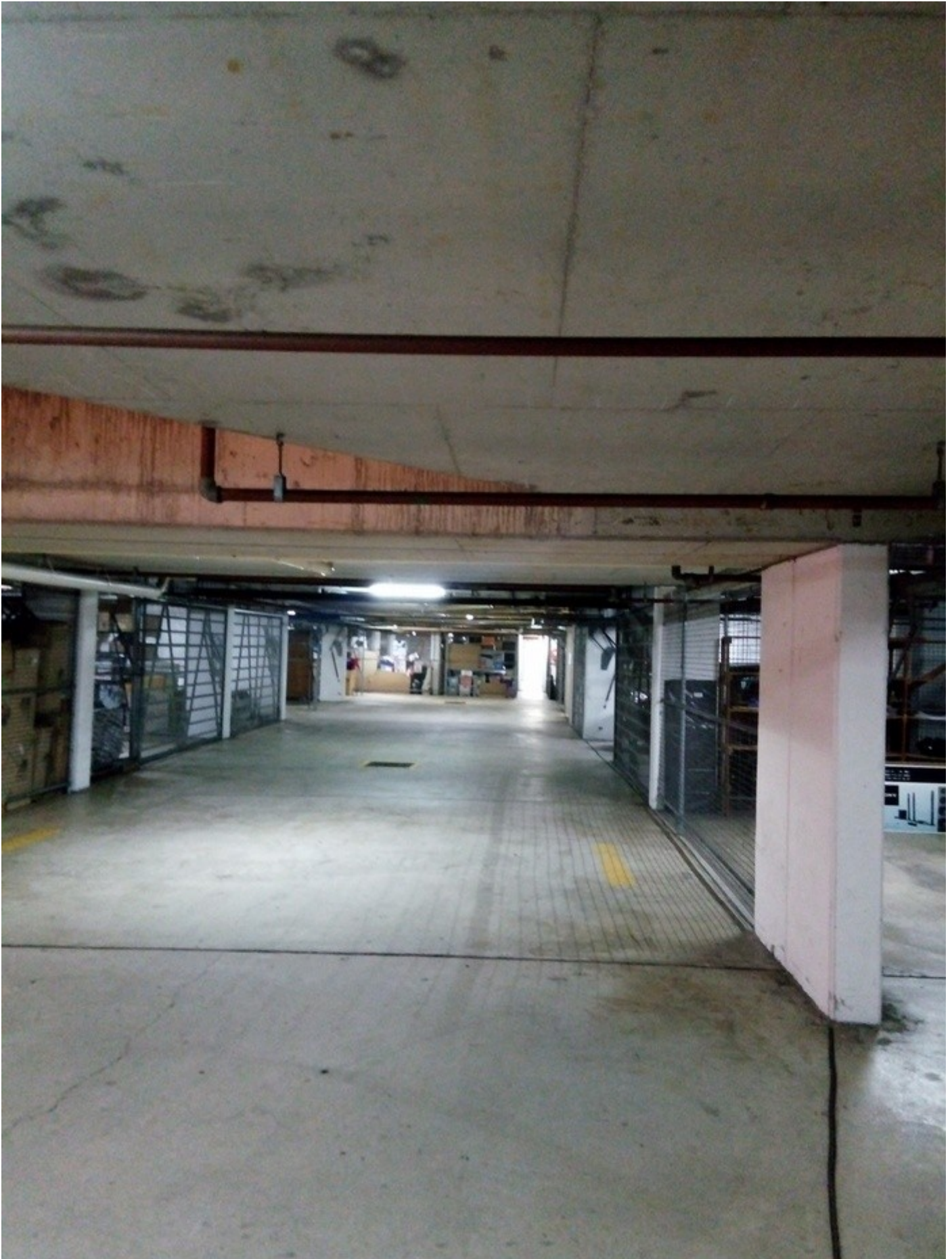
Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 5th of November 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 8th of November 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 11th of November 2018 by keeping fire door opened



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 19th of November 2018 and keeping the fire door 2 opened for smoking for more than two hours



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 22nd of November 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 23rd of November 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 24th of November 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 27th of November 2018 in the morning



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 27th of November 2018 in the afternoon



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 30th of November 2018

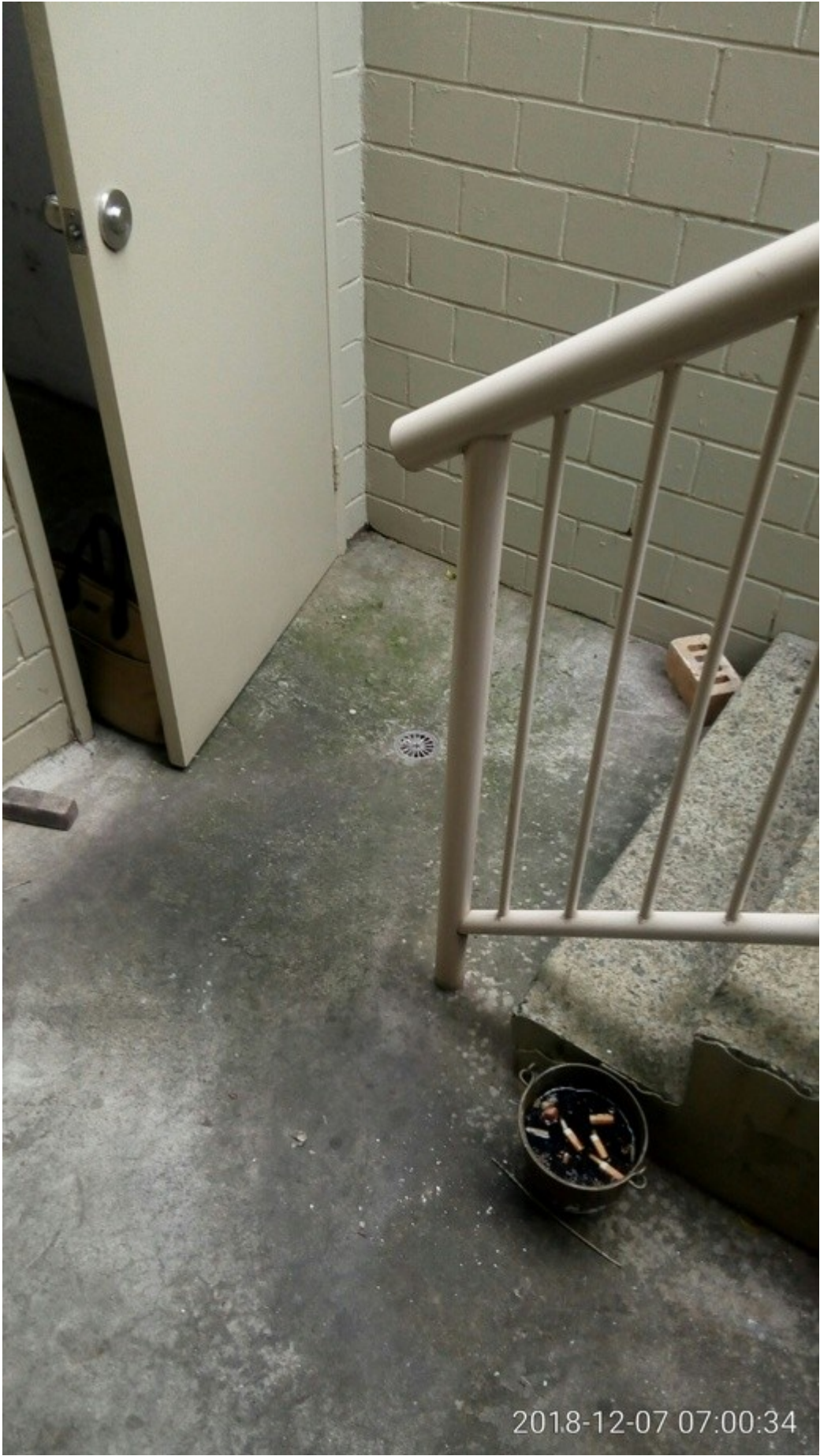


2018-11-30 06:26:35

Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 5th of December 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 7th of December 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 8th of December 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 12th of December 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 13th of December 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 17th of December 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 18th of December 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 20th of December 2018



Lot 158 email to Waratah Strata Management and maintenance staff about smoking in SP52948 on 20th of December 2018

No reply or any action from their side.

Subject: REQUEST FOR IMMEDIATE ACTION: SP52948 providing illegal smoking facility behind fire door 2 in Block A

g) Notice about smoking problem to be documented at the next EC meeting, including reasons for Lot 158 repetitive complaints.

Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 21st of December 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 24th of December 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 27th of December 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 28th of December 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 29th of December 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 30th of December 2018



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 3rd of January 2019



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 5th of January 2019



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 6th of January 2019



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 8th of January 2019





Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 10th of January 2019





Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 11th of January 2019





Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 13th of January 2019



2019-01-13 07:04:41

Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 16th of January 2019



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 17th of January 2019



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 18th of January 2019



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 20th of January 2019



Waratah Strata Management and maintenance staff discrimination in SP52948 on 22nd of January 2019 - notice against smoking in elevator in Block C but not in Block A



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 23rd of January 2019



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 24th of January 2019 - litter on the ground





Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 25th of January 2019 - litter still on the ground





2019-01-25 06:45:38



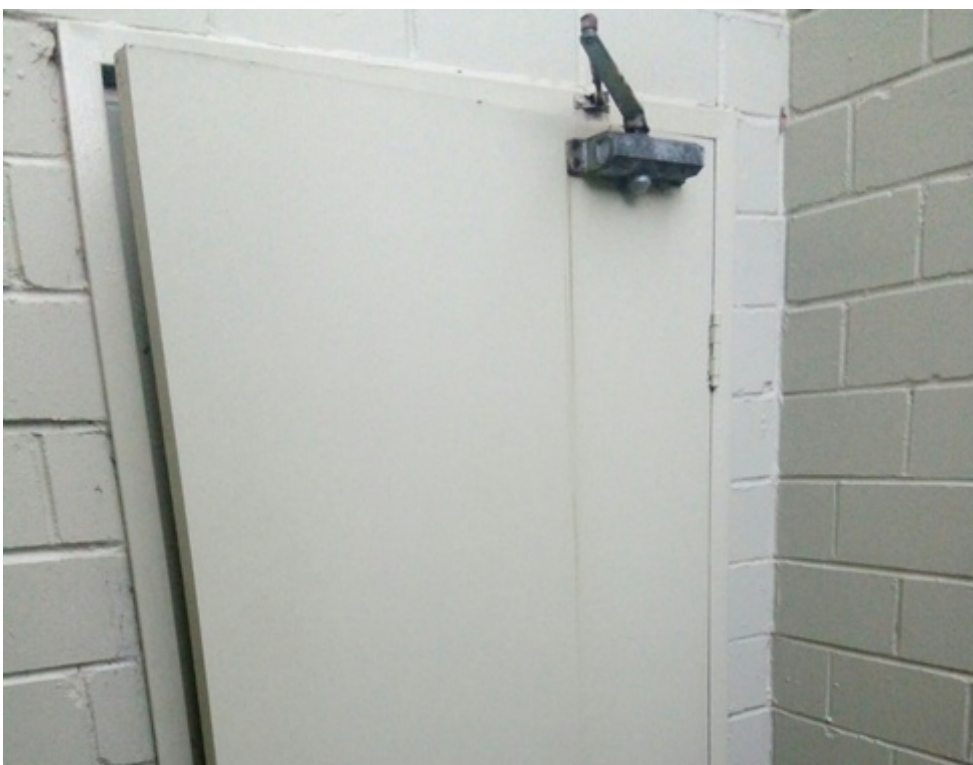
Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 26th of January 2019 - litter still on the ground



2019-01-26 07:10:51

Waratah Strata Management and maintenance staff appear to have finally removed ashtray after second Lot 158 warning in email but still no notices about smoking regulations on 26th of January 2019





Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 27th of January 2019 - litter still on the ground



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 and not cleaning cigarette butts in gazebo area near tennis courts on 27th of January 2019 - litter still on the ground





Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 29th of January 2019 - same litter still on the ground for seven days without cleaning



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 29th of January 2019 - new cigarette butt litter on the ground



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 31th of January 2019 - same litter still on the ground for nine days without cleaning





Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 1st of February 2019 - litter finally cleaned on the ground after nine days and large ashtray removed



SP52948 – Repeated owner witnessed smoking behind Fire door 2 in basement of Block A at around 20:15 hours on 31th of January 2019

SP52948 - Another complaint sent to Waratah Strata Management and maintenance staff with evidence of poor cleaning services on 24th of January 2019



SP52948 - Repeated offender witnessed smoking behind Fire door 2 in basement of Block A at around 17:15 hours on 2nd of February 2019

Waratah Strata Management and maintenance staff discrimination in SP52948 on 5th of February 2019 - notice against smoking in elevator in Block C but not in Block A



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 on 6th of February 2019



2019-02-06 06:21:35



2019-02-06 06:21:49

Waratah Strata Management and maintenance staff facilitating smoking in SP52948 and hiding the ashtray near louvres on 6th of February 2019



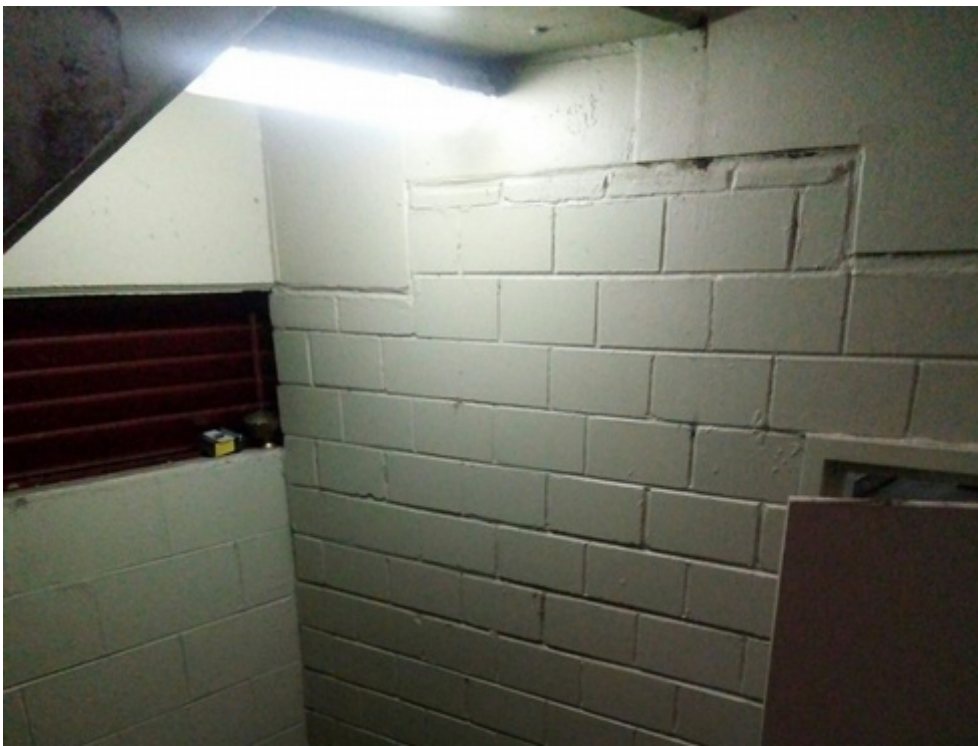


Waratah Strata Management and maintenance staff kept fire door 2 opened for smoking and unattended by any staff for more than five hours on 6th of February 2019

Five video recordings at different times during the day were collected as evidence.

Waratah Strata Management and maintenance staff facilitating smoking in SP52948 and hiding the ashtray near louvres on 8th of February 2019





Waratah Strata Management and maintenance staff facilitating smoking in SP52948 and hiding the ashtray near louvres on 9th of February 2019





Waratah Strata Management and maintenance staff facilitating smoking in SP52948 and hiding the ashtray near louvres on 10th of February 2019







Waratah Strata Management and maintenance staff facilitating smoking in SP52948 and not cleaning the ashtray near tennis courts on 10th of February 2019



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 and hiding the ashtray near louvres on 12th of February 2019



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 and hiding the ashtray near louvres on 14th of February 2019



Waratah Strata Management and maintenance staff facilitating smoking near fire door 2 in SP52948 on 15th of February 2019





Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres in SP52948 on 16th of February 2019





Waratah Strata Management and maintenance staff facilitating smoking and not cleaning cigarette butt litter behind fire door 2 in SP52948 on 17th of February 2019



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 and not cleaning cigarette butts in gazebo area near tennis courts on 17th of February 2019



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 and not cleaning disposed cigarette lighter near gazebo area and tennis courts on 17th of February 2019



SP52948 - Repeated offender witnessed smoking behind Fire door 2 in basement of Block A every day in February 2019

Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 18th of February 2019





2019-02-18 06:23:25

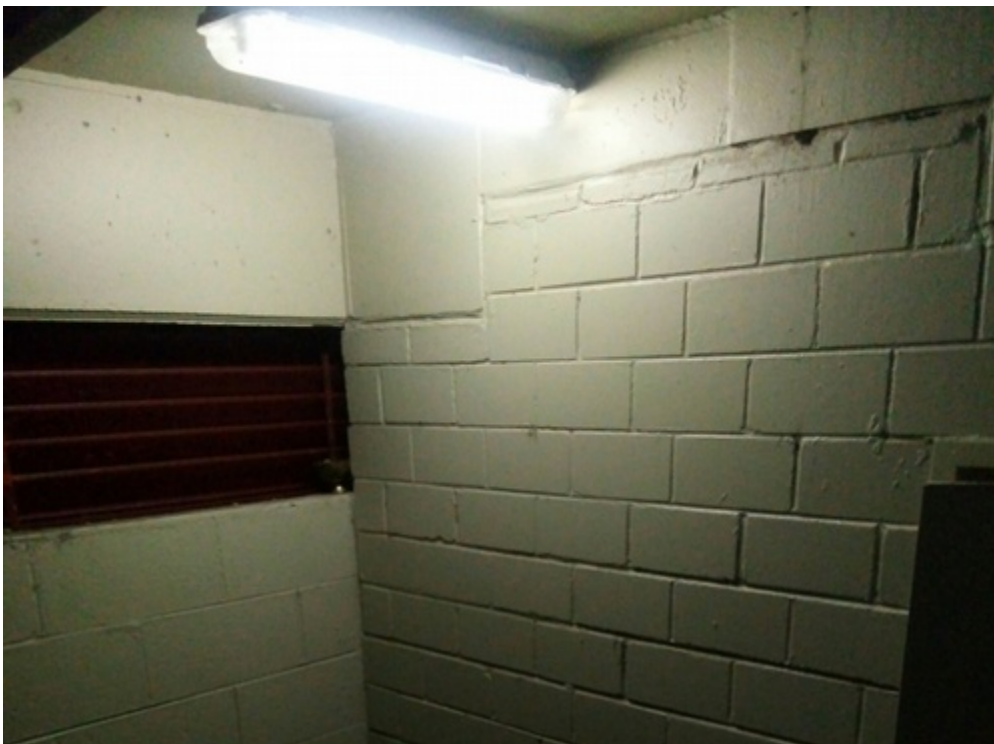


Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 20th of February 2019





2019-02-20 06:33:47



Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 21st of February 2019



Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 22nd of February 2019



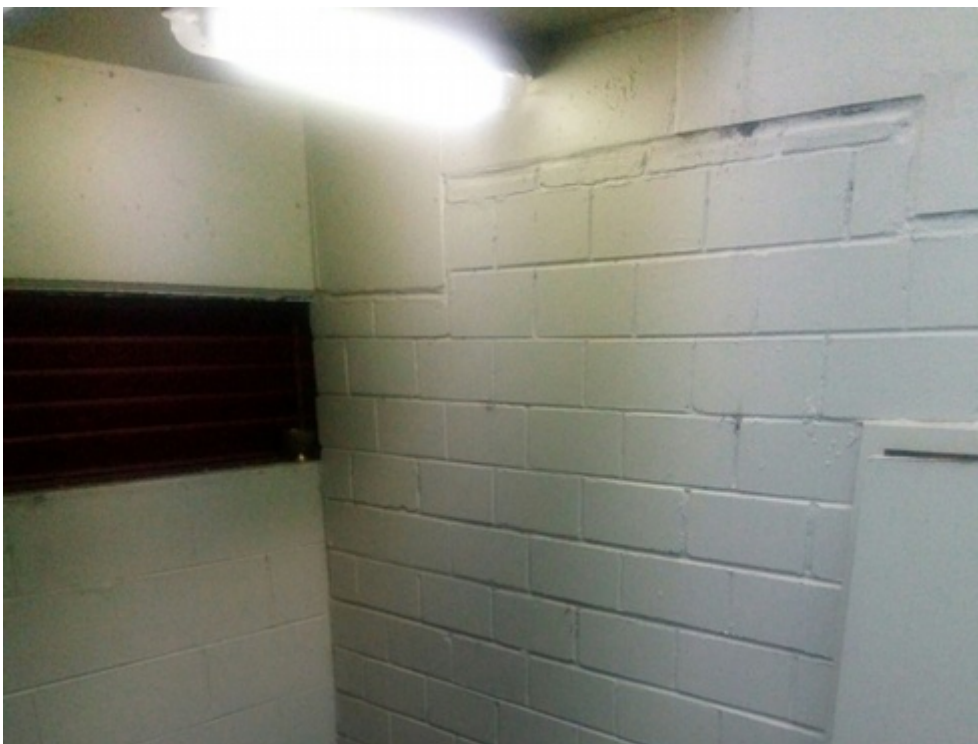


Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 23rd of February 2019





2019-02-23 07:08:03



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 and not cleaning disposed cigarette lighter near gazebo area and tennis courts on 23rd of February 2019



Waratah Strata Management and maintenance staff facilitating smoking in SP52948 and not cleaning disposed cigarette lighter near gazebo area and tennis courts on 24th of February 2019



Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 25th of February 2019





Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 26th of February 2019



Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 27th of February 2019





Waratah Strata Management and maintenance staff facilitating smoking and not cleaning cigarette butt behind fire door 2 in SP52948 on 27th of February 2019



Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 1st of March 2019



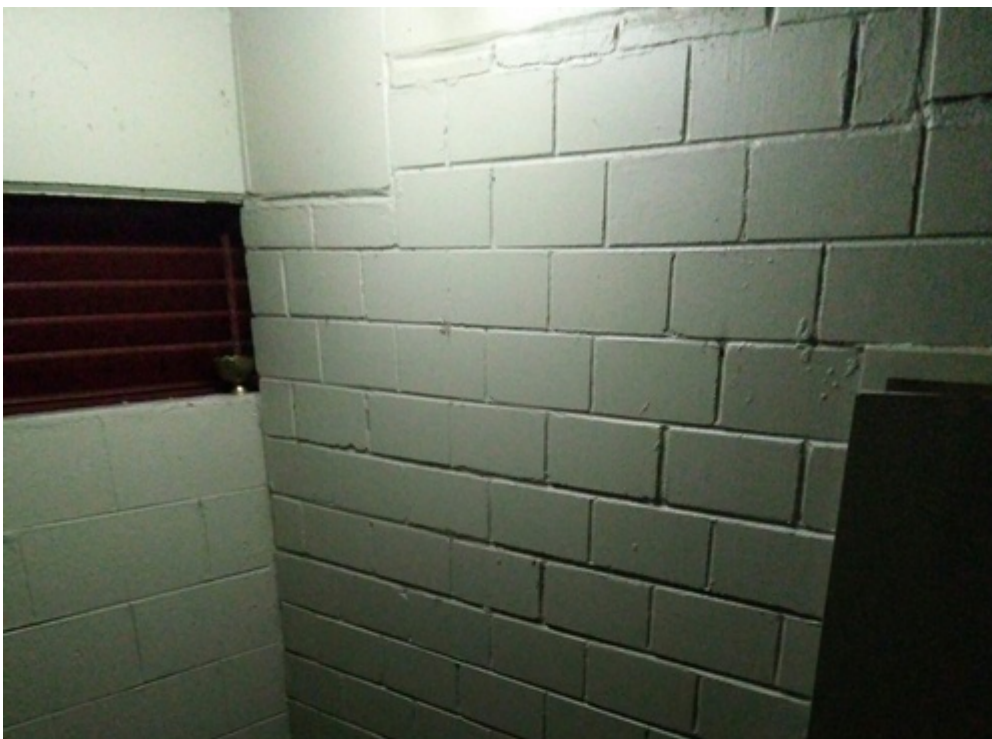


Waratah Strata Management and maintenance staff SP52948 notice in elevator in Block B about smoking on balconies on 1st of March 2019



Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 4th of March 2019





Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 5th of March 2019



Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 6th of March 2019





2019-03-06 17:56:22

Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 7th of March 2019







Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 9th of March 2019





Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 11th of March 2019





2019-03-11 06:17:29



Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 13th of March 2019





Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 16th of March 2019





Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 18th of March 2019





Attempt to reason with Waratah Strata Management and maintenance staff about their facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 19th of March 2019

Waratah Strata Management and maintenance staff facilitating smoking and hiding the ashtray near louvres behind fire door 2 in SP52948 on 28th of April 2019

A response or any action never followed by Waratah Strata Management or maintenance staff.



Waratah Strata Management and maintenance staff facilitating smoking and allowing owner to hide cigarette butts near louvres behind fire door 2 in SP52948 on 5th of May 2019



Waratah Strata Management and maintenance staff facilitating smoking and allowing owner to hide cigarette butts near louvres behind fire door 2 in SP52948 on 8th of May 2019



Final warning to Waratah Strata Management and maintenance staff about facilitating smoking near louvres behind fire door 2 in SP52948 on 9th of May 2019

Waratah Strata Management and maintenance staff facilitating smoking and allowing owner to hide cigarette butts near louvres behind fire door 2 in SP52948 on 10th of May 2019



Block D garden flooded with cigarette butts



Ongoing smoking problems in 2020 and 2021 – examples of various notices in elevators – the problem was never reported in minutes of committee meetings, smoking in garage areas is a daily occurrence

**D BLOCK RESIDENTS
PLEASE NOTE:**

**SMOKE BUDS & EMPTY
PACKETS OF CIGARETTES**

We have had several complaints from residents regarding smoke buds and empty packets of cigarettes been thrown from the balcony into the courtyard below.

There should be **NO SMOKE BUDS OR RUBBISH OF ANY SORT BEEN THROWN FROM THE BALCONIES.** Can you please dispose of smoke buds & rubbish accordingly, and please consider the residents below you.

**B BLOCK RESIDENTS
PLEASE NOTE:**

We have had several complaints from units regarding smoke smell coming in from the balcony areas.

There should be **NO SMOKING on balconies or ground floor.** Can you please consider the residents above and below you.

**B BLOCK RESIDENTS
PLEASE NOTE:**

SMOKING SMELL

**WE HAVE RECEIVED
SEVERAL COMPLAINTS OF
SMOKING SMELL COMING
THROUGH INTO THE
COMMON AREA.**

**PLEASE CONSIDER OTHER
RESIDENTS & SMOKE IN THE
DESIGNATED SMOKING AREA
PROVIDED.**

**D BLOCK RESIDENTS
PLEASE NOTE:**

SMOKE BUDS

**We have had several complaints from
residents regarding smoke buds been
thrown from the balcony into the
courtyard below.**

**There should be NO SMOKE BUDS OR
RUBBISH OF ANY SORT BEEN
THROWN FROM THE BALCONIES.**

**Can you please dispose of smoke buds &
rubbish accordingly, and please consider
the residents below you.**