

PROBLEM PARKING

This information guide is aimed at providing some clarity as to what to do when an owners corporation (OC) needs to deal with problem parking. Whilst the issue of **parking in a private car spot** is with the individual lot owner, the best approach in finding a solution is to see if other owners have experienced the same, and then agree to practical measures to minimise future incidence. An example of this is restricting access to car park areas, and reissuing access every 24 months. The misuse of **visitor parking** is a universal issue in strata and community schemes. The following are options to consider on how to best manage for your building's situation.

SIGNAGE

Parking in a visitor space for a "reasonable time" creates subjectivity. As such some schemes ensure that the visitor parking signs state the time limit.

BY-LAWS

Your scheme may have a specific by-law to assist with parking matters. To minimise by-law breaches we recommend

- + Considering a regular reminder to occupiers
- + Consider referencing the by-law number on signage
- + Collecting and sharing the breach evidence such as photographs that clearly show the date and time stamp to reflect the time. The photographs should capture:
 - o Make & model of vehicle
 - o Registration plate details
 - o Colour of vehicle
 - o Where currently parked
- + Providing the offender with an opportunity to adhere and ask questions if they wish
- + Only if the offender continues to breach should your scheme issue a Notice to Comply. Again, provide the opportunity to adhere and ask questions. Let them know that they might be up for a penalty of up to \$1,100 order by NSW Civil and Administrative Tribunal.

COUNCIL CONTROL

A commercial agreement can be made with the OC's local council to give them control over visitor parking. The Agreement is to be approved by special resolution of the OC, noting that this a fee for service arrangement. The office of Local Government provides a Fact Sheet for such agreements.

ABANDONED VEHICLES

If it is reasonable to believe that a vehicle has been abandoned on common property, then the rules set out in the Uncollected Goods Act 1995 apply.

The Personal Property Securities Register (PPSR) is a national online register. A PPSR search has a nominal cost and will confirm whether the vehicle has been stolen. If the vehicle is stolen then your scheme has information to contact the police.

It's important to note that a receiver cannot dispose of a motor vehicle unless they have obtained the required Certificates from the Commissioner of Police and the Personal Property Securities Register.

PRACTICAL CONSIDERATIONS

In NSW, it is deemed illegal to clamp or tow a vehicle without the consent of the owner. As such we encourage schemes to consider the following options:

- + Create an initial notice to be left on the windscreen of the vehicle of offenders.
- + Consider whether you wish council to inspect to see whether the parking complies with DA consent.
- + Physical access restrictions such as boom gates, bollards, and access card or key arrangements.
- + Installing surveillance equipment to provide clear evidence on misuse of the parking.
- + Consider creating or amending a parking by-law that gives due consideration to other laws so that it can be enforceable.

The *Strata Schemes Management Act 2015 & Regulations* no longer have specific sections or clauses referencing how to manage abandoned vehicles.

If you have any questions, simply contact your [Strata Plus strata manager](#).



STRATA RESOURCES