

PARKING

What you need to know about parking and strata schemes

There are restrictions on residents and visitors using strata parking spaces.

Owners and residents must only park in parking spaces allocated to them. They cannot use parking for visitors or emergency vehicles.

Residents should check that their lot entitlement includes a car space. If not, they cannot park in the strata scheme unless there is a common property rights by-law allowing them to park on an area of the common property.

An owner should write to the secretary of their strata scheme to negotiate for this special right. This involves putting forward a motion to be voted on, proposing a space for them to park.

Tenants should check their lease to ensure they do not misuse parking spaces.

Visitor parking

Signage may state how long visitors can park in the visitors' spaces. If there are no signs, visitors can park there for a reasonable time. Visitors means people visiting residents. Visitor car parking is not for the use of residents

Parking by-laws and enforcement

Most strata schemes have by-laws (rules) on parking. A breach can result in penalties. This may happen as follows:

1. The owners corporation serves a notice on an owner, occupier or tenant to comply with the by-law being breached.
2. If the by-law is breached after this, the NSW Civil and Administrative Tribunal (The Tribunal) can order a person to pay a penalty of up to \$1,100.
3. If the by-law is breached again within 12 months, the penalty can double (up to \$2,200).

Lot owners and tenants should check their schemes by-laws for any additional by-laws that may enforce parking rules.

Strata Schemes may have entered into a commercial agreement with their local council that would allow council rangers to issue parking infringement notices the same as parking on public streets.

Dealing with vehicles blocking access

An owners corporation can move a vehicle that blocks:

- an exit or entrance, or
- the use of common property.

An owners corporation can only move the vehicle if it has correctly provided notice in writing. This must include:

- a description of the vehicle
- the date and time the vehicle will be moved from the common property if it is not moved or collected (not earlier than 5 days after the notice is placed on or near the vehicle), and
- contact details of a member of the strata committee, the strata managing agent, or a nominee of the owners corporation
- the date and time the notice was issued.

The notice must be at least A4 in size and be weather-resistant (for example, placed in a position or in a material to help protect the notice).

The owners corporation can move the vehicle to another area of the common property. Or, it can move it to the nearest place where it may be lawfully moved. Take due care not to damage the vehicle! The owners corporation can apply to the Tribunal to recover the reasonable costs of moving it.