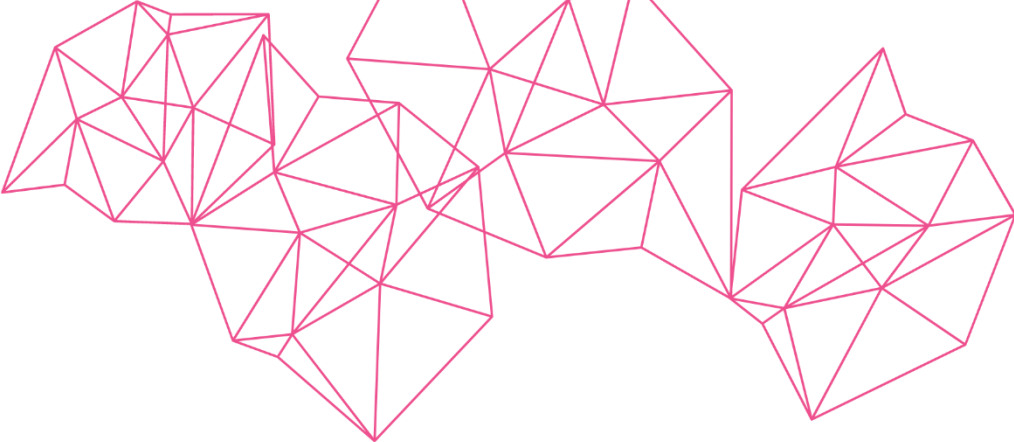


LookUpStrata Webinar

NSW VISITOR PARKING PAIN: SOLUTIONS FOR OWNERS CORPORATIONS

7th November 2024





WELCOME!



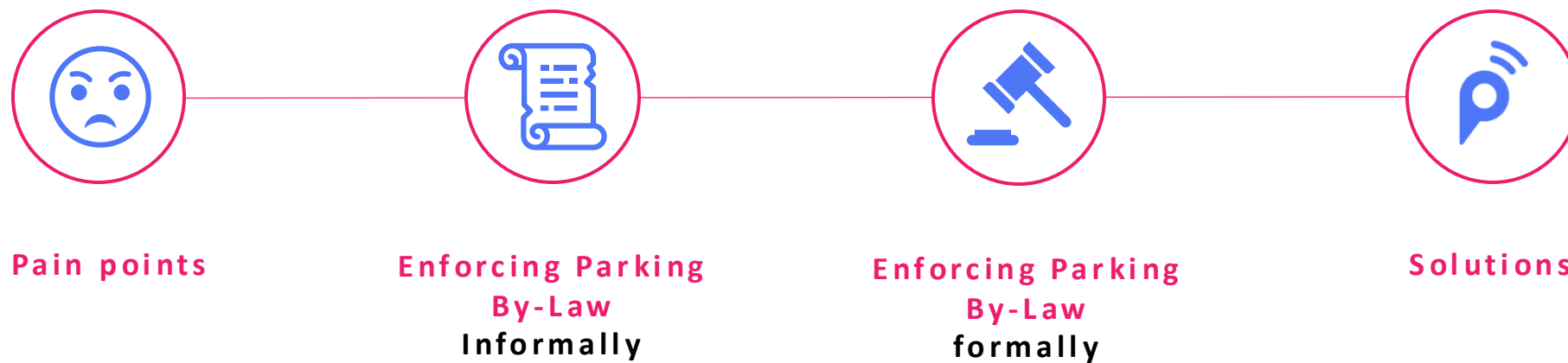
NIKKI JOVICIC
THE MODERATOR
LOOKUPSTRATA



LEANNE HABIB
CEO OF
PREMIUM STRATA



SHADY ESKANDER
FOUNDER OF SPOTO





PARKING PAIN POINTS



Visitors



Loading Dock



Individual lot spaces



Tailgating



Common property



ENFORCING PARKING BY-LAW

INFORMAL

First, second and third notice work well

Notify residents by placing a notice on their windscreen

► **First Notice**

You're parking without authority. Please do not park here.

► **Second Notice**

You continue to park here; we've now recorded your vehicle registration details. Your vehicle will be monitored.

► **Third Notice**

You continue to breach the by-law. If you continue to park unauthorised, we will deactivate your swipe.

- *Need to identify the owner of the vehicle*



Can be done by your Building Manager or by a Committee Member.



ENFORCING PARKING BY-LAW:

FORMAL

Escalate the action but you need to know who the offender is.

Step 1: Issue of FIRST By-Law Breach Letter

- The Secretary of the Owners Corporation will often issue a warning letter first citing the breach of by-law and asking the offender to stop.
- If you have a Building Manager they may perform this role.
- While this step is not compulsory, in our experience it is prudent, because the alleged offender is afforded the opportunity to:
 - a) Defend their position
 - b) Comply with the by-law without further escalation of the matter

Step 2: Issue a second By-Law Breach letter

7-14 days later



ENFORCING PARKING BY-LAW:

FORMAL

Step 3: Issue a Notice to Comply

- ✓ Is there a specific form of notice? **YES**
- It is a prescribed form issued by the Secretary:
You must use the prescribed form and complete it strictly in accordance with its instructions
- A Notice to Comply formally seeks compliance with a by-law failing which the offender risks a fine through NCAT.
- An Affidavit of Service must be completed and sworn before a JP or Solicitor in relation to service of the Notice to Comply

The screenshot shows the 'Notice to Comply with a By-Law' form from NSW Fair Trading. The form includes fields for the lot owner's name, address, and postcode. It contains sections for the owners corporation to state their decision to issue the notice, the specific by-law contravened, and the required action to stop the contravention. There are also fields for the signatory's name and date. At the bottom, there is a section titled 'IMPORTANT INFORMATION ABOUT THIS NOTICE' with two numbered points.

NSW Fair Trading | **Notice to Comply with a By-Law**
Strata Schemes Management Act 2015 (section 146)

Name/s of lot owner or occupier
[Text Box]

Address [Text Box] Postcode [Text Box]

The owners corporation of Strata Plan [Text Box] has decided to issue you this notice.
It believes that you have contravened by-law number [Text Box]
A copy of the by-law is attached.

The owners corporation believes that you have contravened this by-law by: (state action causing contravention and give dates and details.
Example: On (date) you parked motor vehicle (registration number) on common property driveway without permission.)
[Text Box]

You must comply with the by-law immediately by: (state action required to stop the contravention.
Example: Removing motor vehicle (reg. no.) from the common property driveway)
[Text Box]

You must stop contravening this by-law and obey it now and in the future. If you do not comply with the by-law, the owners corporation may apply to the NSW Civil and Administrative Tribunal to impose a monetary penalty on you.

Signed for and on behalf of the owners corporation (please sign) [Text Box] Name of signatory (please print name) [Text Box]
Date [Text Box]

IMPORTANT INFORMATION ABOUT THIS NOTICE

1. This Notice should refer to one by-law only.
2. The strata committee, or owners corporation (if it has decided not to let the strata committee issue this Notice), must convene and hold a meeting to decide to issue this Notice or to issue notices for the type of breaches concerned in this Notice, and record its decision in the minutes. Alternatively, a managing agent who has been delegated the function may decide to issue this Notice.



ENFORCING PARKING BY-LAW:

FORMAL



Who can issue a Notice to Comply?

- Only an Owners Corporation can issue the Notice to Comply unless the strata manager has been delegated this function, in which case, no resolution of either the Owners Corporation or strata committee is required.
- The Notice to Comply must contain a copy of the by-law allegedly breached.
- An Owners Corporation has powers to enforce by-laws if it is satisfied that an owner or occupier has breached a by-law



ENFORCING PARKING BY-LAW:

FORMAL



What happens if the breach continues?

Step 4: Apply to NCAT for Penalty & Compliance Orders

The Owners Corporation may apply to NCAT for a monetary penalty that the offender has breached the by-law since the issuance of the Notice to Comply

(up to 10 penalty units = 10 x \$110 = \$1,100).



ENFORCING PARKING BY-LAW:

FORMAL



Are there time limits for seeking a penalty?

YES

An application for a monetary penalty must be made within 12 months after the Notice to Comply was issued.



ENFORCING PARKING BY-LAW:

FORMAL

Proceeds of penalties

Penalties are paid to the Owners Corporation unless the Tribunal orders otherwise.

Step 4: Application for NCAT Orders

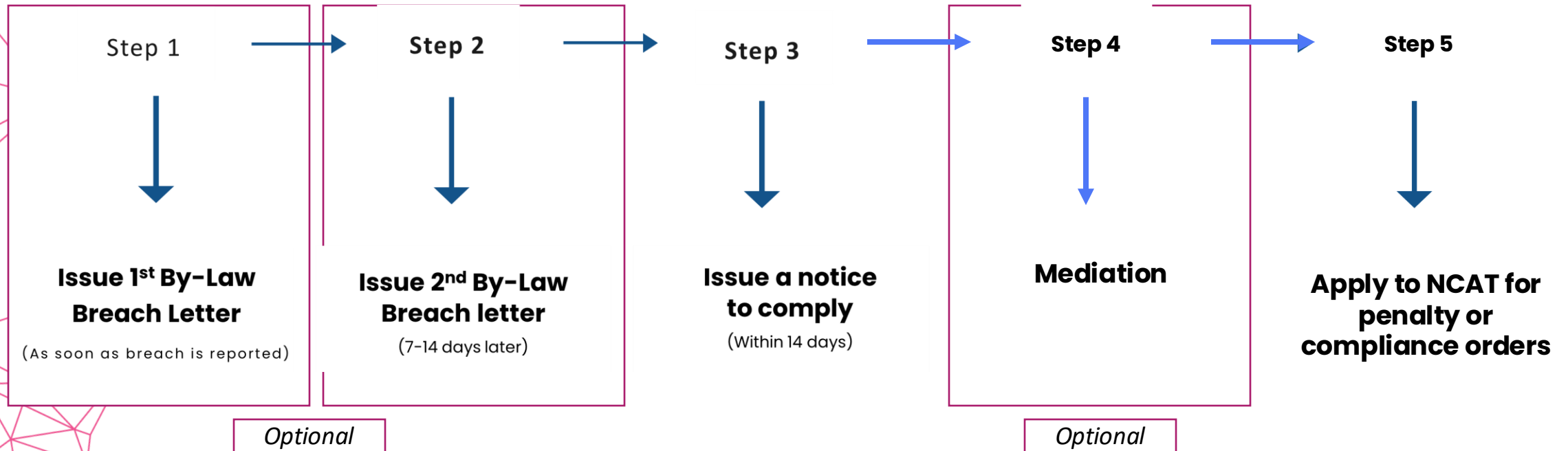
- The Owners Corporation can:
 - ✓ *Seek Mediation as a precursor to applying for Orders from NCAT that there has been a breach of by-laws; or*
 - ✓ *Mediation can result in a mediated agreement or if the offender does not attend/declines Mediation, then the owners corporation can seek Orders from NCAT to determine whether a by-law has been contravened.*
 - ✓ *Breach of NCAT Orders can result in a civil penalty of up to \$5,500 (payable to the Owners Corporation)*



ENFORCING PARKING BY-LAW:

FORMAL

Summary of steps





HELPFUL HINTS

- Keep a log of dates, times and duration of breaches
- Take photos and videos where possible and permitted by law
- Keep a list of witnesses, complainants in case statutory declarations/affidavits are required and ensure everything is documented
- All the above adds weight to prove the Owners Corporation's case



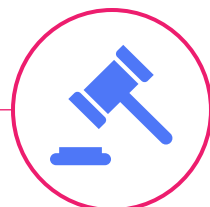
SOLUTIONS



1

NOTICES ON VEHICLE
WINDSCREEN

Informal



2

BY-LAW
PROCESS

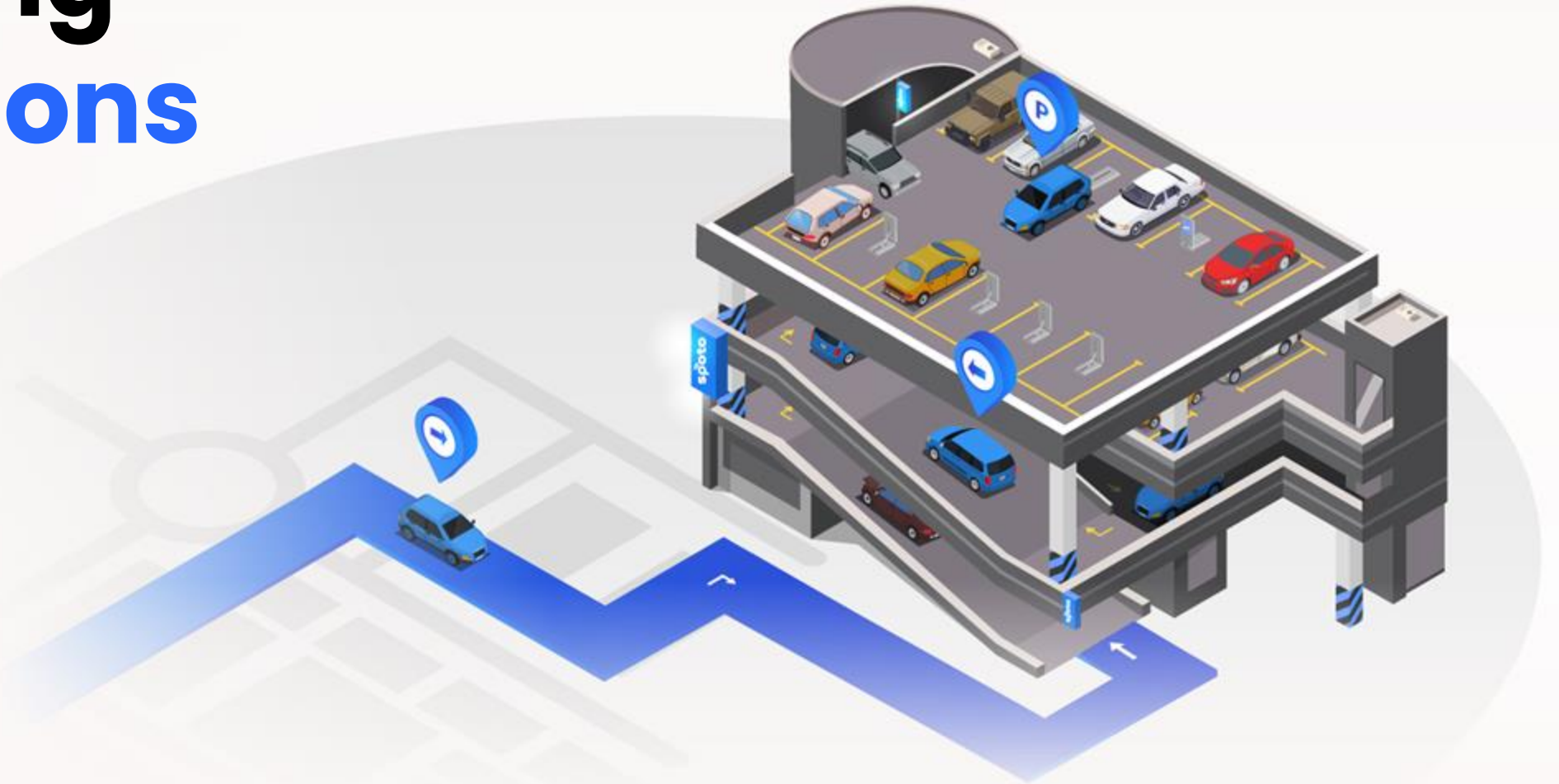
Formal



3

SPOTO!

Smart Parking Solutions





It Always Comes Up...

Is Parking Available?



The Honest Answer...

**Parking in Strata
has **not** been
solved.**





Someone's in Your Spot



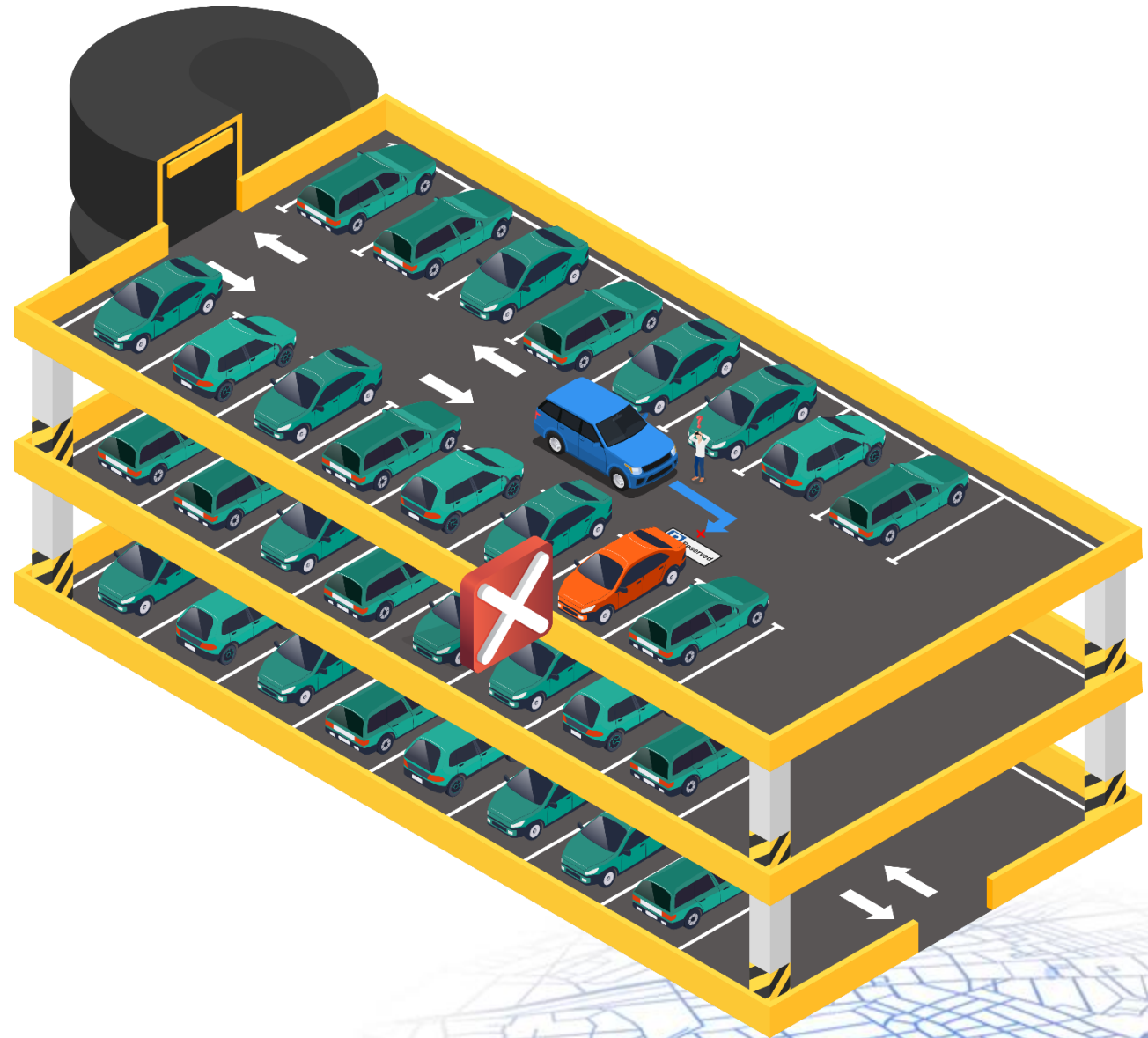
Parking's Always Full



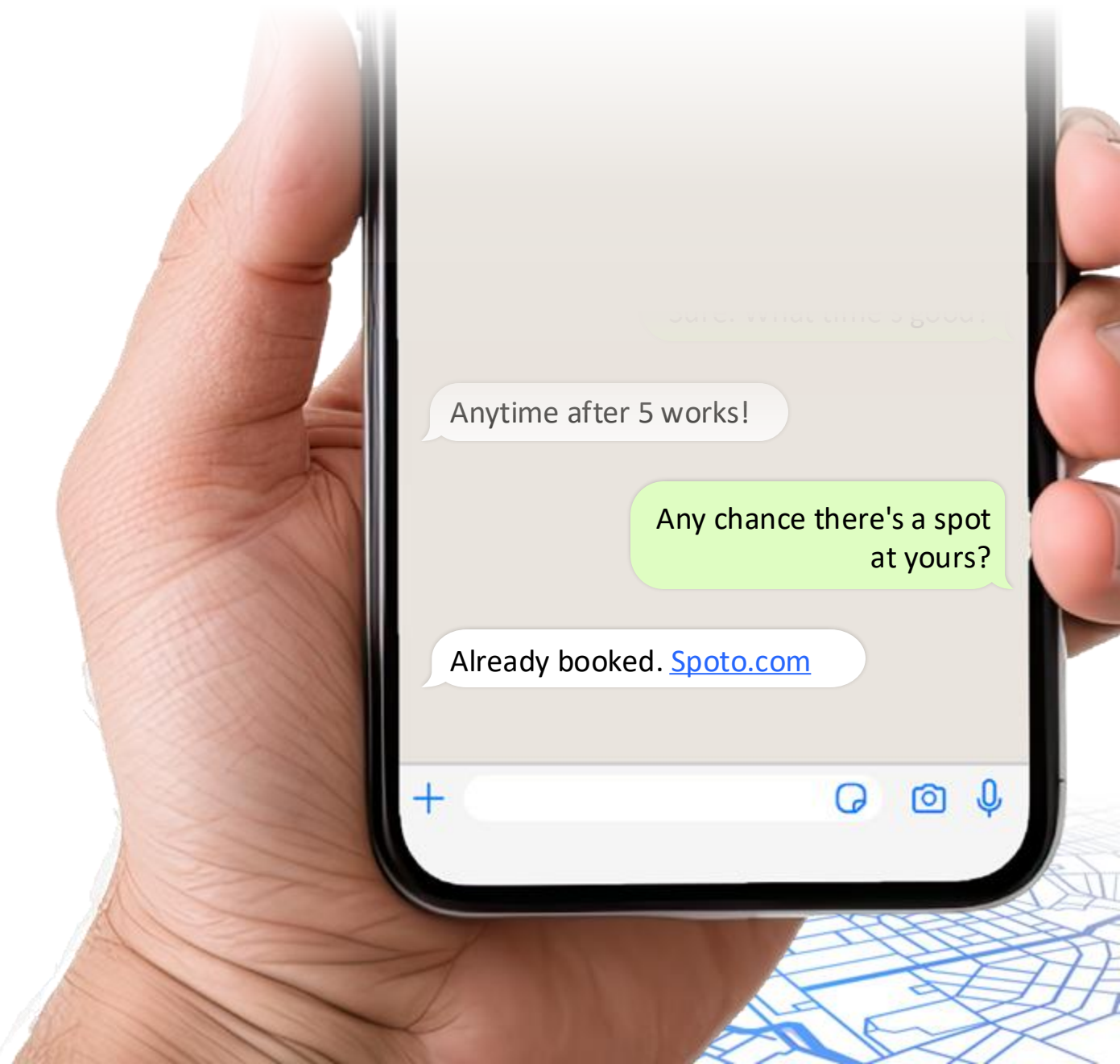
Takes Too Long to Park



Waiting for a Spot to Open



No More 'Where Do I Park?'






STREET

Jeff Andrews
Invited you to park at

 **Courtyard Apartments**
1 Lincoln Cres, Sydney NSW 2000

 1 Lincoln Cres, Sydney NSW 2000

 Spot A45

Arrive
10:30
Sat, 2 Sep

Depart
16:30
Sat, 2 Sep

Total Stay
6 hours

 Open Spollard (A45)

Your Spot is
Guaranteed.

Jeff Andrews
Invited you to park at

 **Courtyard Apartments**
1 Lincoln Cres, Sydney NSW 2000

 1 Lincoln Cres, Sydney NSW 2000

 Spot A45

Arrive
10:30
Sat, 2 Sep

Depart
16:30
Sat, 2 Sep

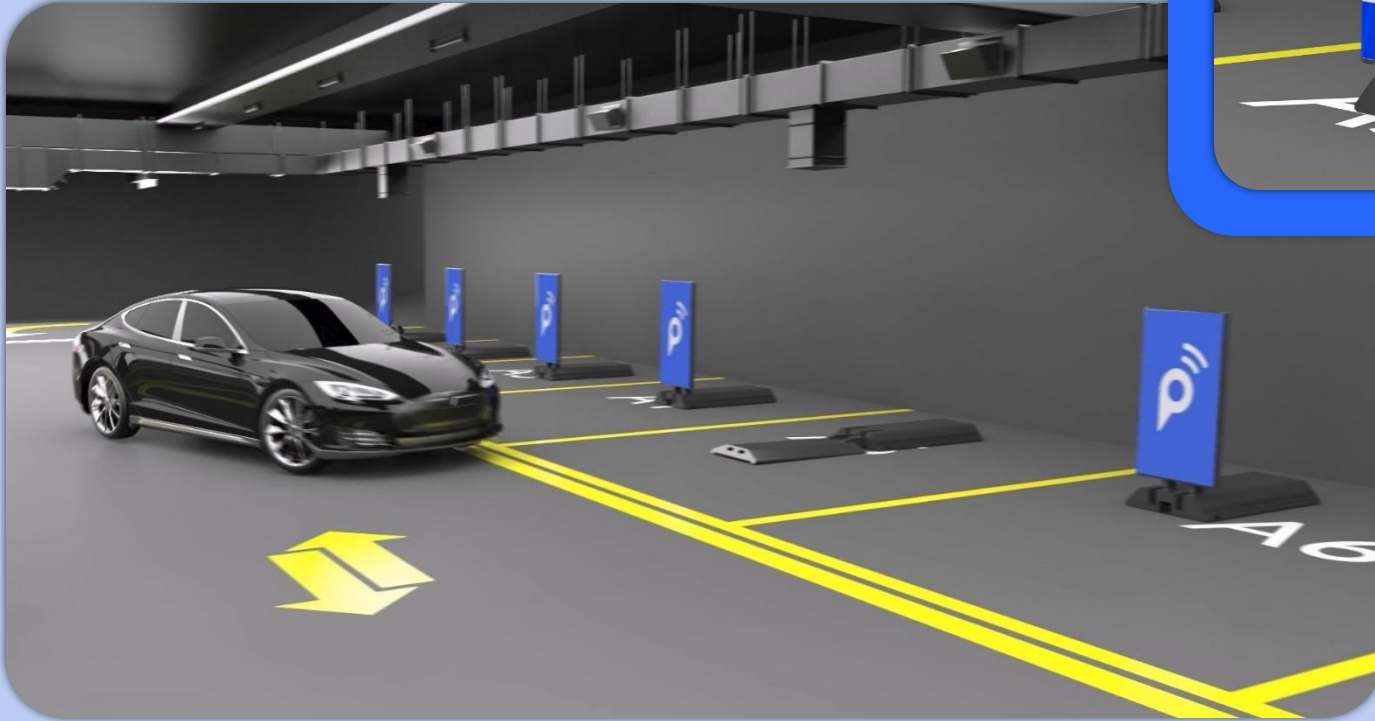
Total Stay
6 hours

 Spollard open 1m 32s

Tap to Open the Boom Gate.



Your Spot is Reserved.



Spollard
Smart Parking Bollard



Total Control



Share Access



Friend:

1h ago

Hey mate! Can I use your spot today?



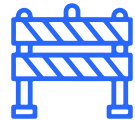
Rent Your Spot



Neighbor:

1h ago

Hey! Can I rent your spot?



Block Unauthorized Parking



Mini



Alarm



Auto Close



Vibration Detection



Internet Connectivity



Debugging Facilities



Pro



Digital Display



Internal Bluetooth and Wi-Fi



Inbuilt Speakers



Waterproof



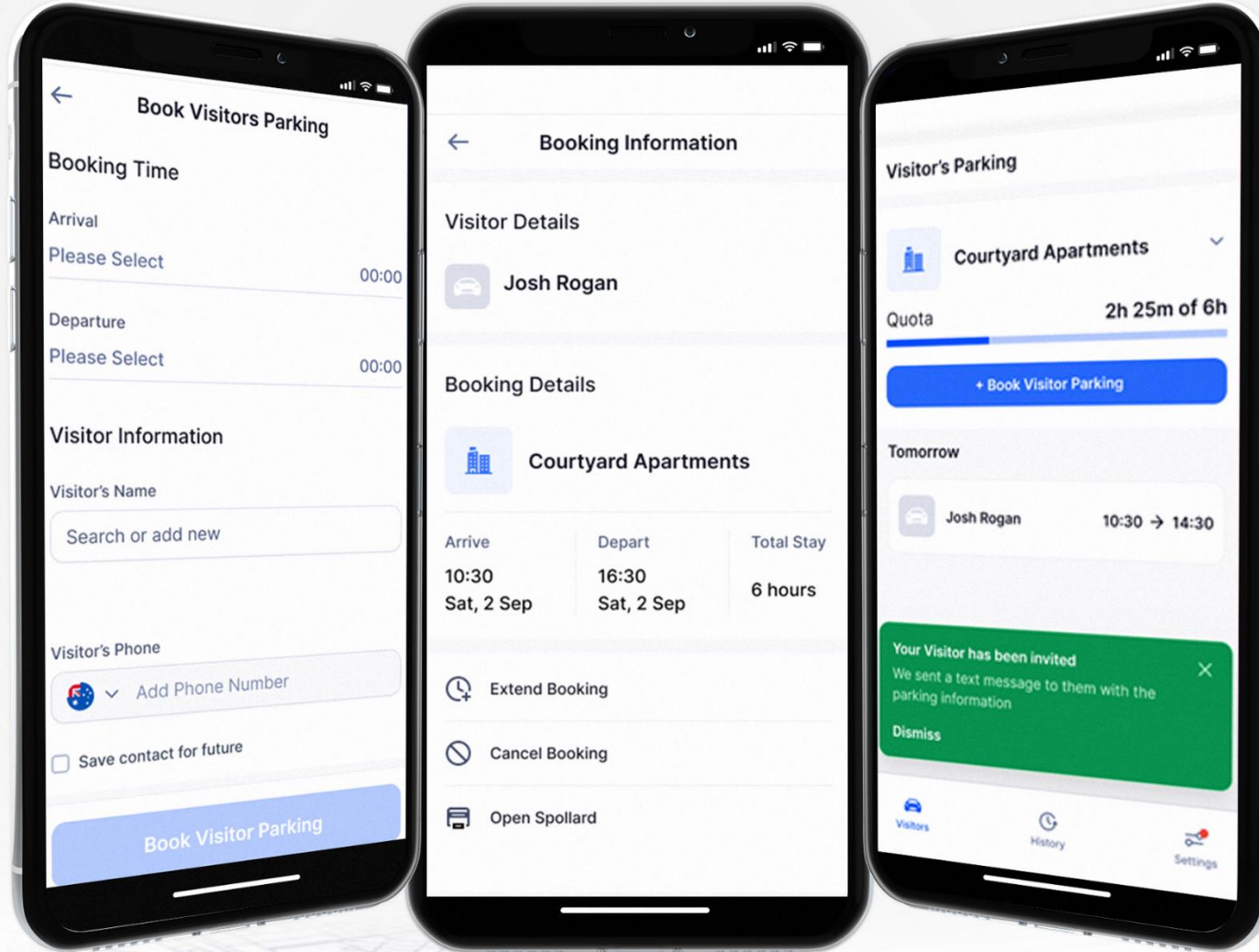
Shockproof



Proximity Sensors



NFC Readers



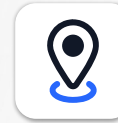
APP



Real-Time Reservation



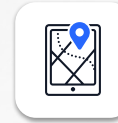
Spot Management



Spot Posting



Analytics and Reporting



Interactive Map



Efficiently manage, optimize, and monetize your parking spaces.



park@spoto.com



Sydney Olympic Park,
Sydney, Australia

Q & A



Liability Limited by a scheme approved under Professional Standards Legislation.

THANK YOU FOR ATTENDING!

Liability Limited by a scheme approved under Professional Standards Legislation.

