

<b>Circular Details</b>	Circular No 16-47 / 07 December 2016 / A522103
<b>Previous Circular</b>	98/68
<b>Who should read this</b>	General Managers / Council enforcement staff
<b>Contact</b>	Policy Team / 02 4428 4100 or <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Information

## Update of Parking Area Agreement Guidelines and release of fact sheets on free parking area and strata/community parking area agreements

### What's new or changing

- The *Strata Schemes Management Act 2015* commenced on 30 November 2016, allowing strata and community schemes to apply to their local council to enter into an agreement to enforce parking restrictions in a scheme.
- This complements long-standing powers under the *Local Government Act 1993* (the Act), allowing private landowners to apply to their local council to enter into a free parking area agreement.
- The *Free Parking Area Guidelines* for councils, which were first issued in 1998, have been updated to reflect the new strata/community agreement provisions.
- A number of other documents have also been issued for the information of landowners and strata/community schemes, including:
  - an updated version of the 1998 publication *Dealing with vehicle trespass and driveway obstruction*;
  - a new *Free Parking Area Agreement* Fact Sheet; and
  - a new *Strata/Community Parking Area Agreement* Fact Sheet.
- New penalty notices offences relating to strata/community parking agreements will be introduced via an amendment to the Road Transport (General) Regulation 2013 in the near future.
- A forthcoming legislative amendment will also give effect to council powers to issue penalty infringement notices with respect to offences relating to disability parking spaces in strata and community parking areas.

### What this will mean for your council

- Sections 650 and 650A of the Act require councils to follow the guidelines with respect to free parking area and strata/community parking area agreements.
- Councils should also make interested landowners and strata/community schemes aware of the related fact sheets and document.

### **Key points**

- The Guidelines provide advice to councils on the:
  - circumstances in which they may enter into an agreement;
  - matters for which an agreement must or must not make provision; and
  - exercise by a council of any functions conferred on it by agreement.
- The Guidelines also provide a template agreement for the use of councils entering into free parking area or strata/community parking area agreements.
- The related documents are primarily intended for the information of landowners, and strata/community schemes experiencing parking related problems or who wish to consider entering into a parking area agreement with their local council.

### **Where to go for further information**

- The Office of Local Government's Policy Team can be contacted on 02 4428 4100 for further advice on the parking area agreement powers.
- NSW Fair Trading can be contacted for further information about strata and community scheme management issues via the Strata Hotline 1800 214 023 or at [http://www.fairtrading.nsw.gov.au/ftw/Tenants\\_and\\_home\\_owners/Strata\\_schemes.page](http://www.fairtrading.nsw.gov.au/ftw/Tenants_and_home_owners/Strata_schemes.page).



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**Acting Chief Executive**