

Review of NSW Strata and Community Scheme Laws

Submission from Phillips Landing Community Association DP No. 270051

247 Burwood Road Concord 2137 - PO Box 565 Concord NSW 2137

www.phillipslanding.net secretary@phillipslanding.net

Two Simple Changes Would Make A Difference

Our Concern

From our experience in Phillips Landing about 8% of residents, due to their self-centredness and disregard for others, greatly inconvenience the other 92% and that the *Community Land Management Act 1989*, and the processes deriving from it, favours the 8% to the detriment to the 92%.

We believe two simple changes to the *Act* would have a significant positive impact on the lives of the vast majority of people living in community schemes:

1. Provision of information to potential owners/lessees

When properties are being offered for sale or lease advertisements should state that 'Persons living in this property are subject to the by-laws set out in the XXXXXX management statement' and, where advertising is online, a link is given to the community association's website. This would overcome the frequent response of the 8% that 'we were unaware of any by-laws'.

It is too late for conveyancers to make buyers and lessees aware of the existence of by-laws when they have already made an emotional, if not a legal, decision to proceed. In the relatively few cases where an agent is not involved the responsibility should rest with the vendor or lessor.

2. Illegal parking

It seems this is the bane of many community associations! It does not take a lot of imagination to appreciate the frustration of community-minded residents when their elderly parents, or family or friends with babies or young children, are unable to park in visitors' spaces when they know many spaces are occupied by residents' vehicles. The current process of:

- keeping records of offending vehicles
- placing notices on vehicles
- trying to identify the owners of vehicles
- having the managing agent send a letter where the owner can be identified
- having the managing agent issue a Section 13A notice
- initiating mediation proceedings, and finally,
- going to adjudication

drags on for so long that residents who only stay for 12 to 15 months can continue to park illegally for the whole period.

We consider that where community associations can show evidence of ongoing illegal parking they should be able to have recourse to an authority, perhaps the local court, where an order to desist can be issued immediately. Another issue — even in a moderate sized complex such as ours — is the difficulty of identifying the owners of some offending vehicles. Serial offenders are adept at moving their vehicles around. Where suitable evidence can be provided the managing agent should be able to obtain the address of the owners of offending vehicles. And, if this suggestion is met with ‘what about privacy’ we say **‘who is the law meant to protect, the 8% or the 92%?’**

As you can see from the attached sample notices we take a lot of effort to appeal to residents as good neighbours before considering legal action.

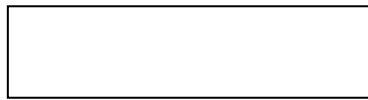
Jim Walsh
Hon. Secretary
25 October 2012.

Attachments:

1. Notice placed under windscreen wipers (Parking by-laws on reverse when placed)
2. Circular notice issued September 2010 (Parking by-laws on reverse when distributed)
3. Circular letter January 2012 (Parking by-laws on reverse when distributed)

Copies to: Canada Bay Community Schemes Alliance

Mr John Sidoti MP State Member for Drummoyne



VISITORS' PARKING SPACES

IF YOU ARE A SHORT-TERM VISITOR TO PHILLIPS LANDING

WELCOME!

HOWEVER, IF YOU ARE A RESIDENT

**WE REMIND YOU THAT RESIDENTS'
VEHICLES ARE NOT PERMITTED TO BE
PARKED IN VISITORS' PARKING SPACES.**

AND

**THERE ARE RESTRICTIONS
ON THE LENGTH OF TIME & FREQUENCY
OF VISITORS' PARKING**

(Refer to By-Laws 83-87 of our Management Statement printed on the reverse).

Our complex has **36** parking spaces to accommodate vehicles of short-term visitors to **178** apartments. Your illegal use of this visitors' parking space is forcing genuine visitors to park on Burwood Rd.

PLEASE CONSIDER YOUR NEIGHBOURS.

For additional information phone our Managing Agent, David Tuskan, Premier Strata Management, on 9630 7500.

Phillips Landing Community Association DP No. 270051

**A message from Phillips Landing Community Association,
Residents, please don't park your vehicles in
visitors' parking bays.**

It is unfair to your neighbours' visitors & tradespeople

Typical of complaints we receive:

"My elderly parents, who have difficulty walking, came to visit & could not get a parking spot because most were occupied by vehicles which we knew belonged to residents."

"Our daughter & son-in-law & their young family, including a baby in a pram, were forced to park in Burwood Rd & we knew the visitors' bays were occupied by residents' vehicles."

"The plumber came today & he had to park his utility in a dangerous position on the road as many of the visitors' bays had residents' vehicles parked in them."

Our Motto:

"Fairness to all, responsibility from all!"

A big **'thank you'** to the great majority of residents who do respect our parking by-laws as shown on the reverse.

Inquiries to our managing agent, Premier Strata Management, 9630 7500.

PREMIER STRATA MANAGEMENT PTY LIMITED

A.B.N. 60 056 277 215



6/175 Briens Road, Northmead NSW 2152- PO Box 3030, Parramatta 2124
Phone (02) 9630 7500 Fax (02) 9630 1915 E-mail strata@tpg.com.au

Dear Resident of Phillips Landing

On many occasions over recent months there has been

NO PARKING FOR MANY VISITORS

as a majority of spaces reserved for visitors' parking have been occupied by vehicles belonging to residents.

If you are one of the residents responsible for a vehicle being parked in spaces reserved for visitors I remind you that when you purchased or leased an apartment in Phillips Landing you committed to be bound by the Management Statement.

The Community Association much prefers to seek your cooperation in providing 'a fair go' for residents' visitors rather than having to seek redress through the NSW Office of Fair Trading. However, in fairness to the majority of residents, the association will continue to take legal action when necessary, as directed by resolution at a number of AGMs including the 2011 AGM. Fines up to \$5,500 can be imposed.

I look forward to your co-operation.

Yours faithfully,

David Tuskan
Premier Strata Management Pty Ltd
17th January 2012

PS:

You should have received a copy of the management statement from your conveyancer or estate agent at the time of purchase or lease. Copies are available at www.phillipslanding.net or from my office.