

Unauthorised Parking – What Can Owners Corporations Do?

Parking is a vexing question. Owners corporations and their strata managing agents have been struggling with it for years. They are not helped by uncertainties in the law, limited police and council powers, restrictive strata management laws and widespread misconceptions about what is permissible.

The reality is that proactive measures are the only effective solution. These could include one or more of the following:

- Implementing physical access restrictions for parking areas, e.g. bollards or pass card operated barriers. We have achieved good results for clients implementing such measures, e.g. installation of barriers ending months or years of parking problems. For example, please refer to our article [Control of Unauthorised Parking – Common Sense Prevails](#).
- Installing surveillance equipment.
- Negotiating a council parking agreement, which places the parking area under council control.
- Negotiating arrangements for managed parking facilities with one of the private companies providing them, although some of these are dubious legally and they can be a source of conflict.
- Reviewing caretaking and building management agreements, to better address parking issues.
- Making by-laws to better address these issues, current by-laws typically being inadequate. This could include making by-laws imposing restrictions referable to visitors, but enforceable against owners and/or occupants.

Reactive measures are generally ineffective, because:

- Police and councils have very limited powers with respect to vehicles on private land.
- By-laws are notoriously difficult to enforce, requiring issue of an infringement notice, in circumstances where a visitor probably is not bound by the scheme's by-laws and in any case generally cannot be identified, let alone served with an infringement notice.
- It is illegal in NSW to clamp, tow or detain a vehicle without the consent of the vehicle owner and neither a by-law nor signage reliably permits such action.

- Self-help remedies are inadvisable. Moderate action, such as leaving a notice on the windscreen of the vehicle, is permissible but generally ineffective. More extreme action, such as damaging the vehicle, is illegal and also risks escalating the dispute.

Abandoned vehicles

As from 1 July 2020, the *Uncollected Goods Act 1995* was extended to disposal of goods abandoned on strata common property, including vehicles. Procedures which may have been in place prior to that date need to be updated to comply with the requirements of the new legislation. It is no longer possible to simply dispose of a vehicle and at least notice to the owner and possibly a tribunal order (depending on value) will be required. Please refer to our article on this issue [Disposing of Goods Abandoned on Common Property – NEW LAWS](#).

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