

Cleaning House – What Can Owners Corporations Do About Unwanted Items On Common Property?

Owners corporations in NSW can take several proactive measures to manage unwanted items on common property, including reviewing by-laws.

Owners corporations and their strata managing agents have been struggling for years to find effective solutions to this issue. While this is a difficult area, there are some options.

Owners corporations should be particularly careful in relation to vehicles, as there are legislative restrictions on interfering with vehicles. This article will focus on goods dumped without authority and apparently abandoned.

Considerations for owners corporations and their strata committees and strata and building managers:

- Proactive measures are usually 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.
 - 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.
- The Strata Schemes Management Act 2015 contains some useful provisions. Section 125 and Regulations 32 to 34 under the Strata Schemes Management Regulation 2016 provide a mechanism for disposing of abandoned goods or moving a vehicle blocking access or use of common property. However, they are of limited use, as they require putting a disposal or removal notice on the offending items and waiting 5 days.
- The police and local council will generally be unable to assist, as they have very limited powers in respect to property, even vehicles, dumped on private land. However, environmental protection legislation can sometimes assist.

- Common law self-help remedies may assist, but this is a tricky area and going about it the wrong way can expose an owners corporation to claims.

Although owners corporations should be ready for some red tape and delay, there are solutions to these issues. We have dealt with many such situations and would be pleased to assist.

Key takeaways

- Owners corporations can implement physical access restrictions to manage unwanted items.
- The Strata Schemes Management Act 2015 provides mechanisms for disposing of abandoned goods.
- Common law self-help remedies can be risky and may expose owners corporations to claims.
- Proactive measures are essential for effectively addressing issues with unwanted items.
- Local councils and police have limited powers regarding dumped items on private land.

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Prepared by Bannermans Lawyers

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