

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:

- The most common and effective means is enforcing the scheme's by-laws and fortunately now owners corporation can receive the penalty for enforcement. Please refer to our article for more information: [Preventing pesky parking for the owners corporation](#)
- 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.
- 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](#).

Need assistance

Albeit it is a very common issue in strata schemes, we provide a lot assistance with this area. Feel free to contact us about:

1. Enforcing the scheme's by-laws.
2. Advising upon and providing assistance with alternative options for addressing parking problems.

Prepared by Bannermans Lawyers

Updated 6 September 2023