

Draft- Removal of Illegally Parked Vehicles Obstructing Driveways Policy

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Version #	Approval date	Approved by	Comments/details
1			Draft Policy

1. Purpose

This policy sets out Randwick City Council's position for responding to reports of vehicles parked in a manner that obstructs access to or from a residential or business driveway within the Randwick Local Government Area (LGA).

It establishes the principles, statutory framework and governance arrangements that guide Council's enforcement and vehicle removal decisions.

2. Scope

This policy applies to:

- all Parking Officers, Rangers and other authorised officers appointed by Council;
- Customer Service staff receiving and triaging reports;
- Regulatory Support staff administering post-tow notifications and infringements; and
- authorised towing contractors engaged by Council.

It applies to vehicles parked on public land, including the road and road reserve, that obstruct access to or from a driveway. Disputes between private parties on wholly private land, for example within a strata complex, are outside the scope of this policy except where Council has a specific statutory role.

This policy does not apply to, and confers no power in respect of, a vehicle that is lawfully parked. A vehicle parked on the road near, alongside or adjacent to a driveway, but which is not stopped on or across the driveway and does not otherwise contravene an applicable parking restriction, commits no offence. Council has no power to require such a vehicle to be moved and will take no enforcement action in respect of it, irrespective of any inconvenience the complainant may experience in entering or leaving the property.

3. Legislative and Policy Framework

Officers must exercise their powers in accordance with the following:

- Public Spaces (Unattended Property) Act 2021 (NSW) — in particular sections 25, 26 and 29.
- Public Spaces (Unattended Property) Regulation 2022 (NSW) — procedural requirements for taking possession, notices and storage.
- Road Rules 2014 (NSW), rule 198(2) — stopping on or across a driveway or other access to or from land, offence code 83430.
- Road Transport Act 2013 (NSW) and associated infringement schedules.
- Local Government Act 1993 (NSW) — general functions of Council.
- Work Health and Safety Act 2011 (NSW) — officer and contractor safety.
- Privacy and Personal Information Protection Act 1998 (NSW) — handling of complainant and owner information.

Officers must also comply with Council's Code of Conduct, Compliance and Enforcement Policy and any delegations issued by the General Manager.

4. Definitions

Term	Meaning
Authorised Officer	An officer appointed under the PSUP Act and/or the Road Transport Act 2013, including Parking Officers and Rangers of Randwick City Council.
Complainant	The resident, owner or occupier of the property whose driveway is reportedly obstructed.
Service Request	A service request lodged in Council's Customer Relationship Management system.
Partially obstructing	A vehicle positioned across part of a driveway such that, in the opinion of the Authorised Officer, a vehicle can still reasonably enter or leave the property.
Completely obstructing	A vehicle positioned such that, in the opinion of the Authorised Officer, a vehicle cannot reasonably enter or leave the property.
Emergency situation	Circumstances where a resident's vehicle is trapped inside a driveway or garage by an obstructing vehicle, or where obstruction creates an immediate risk to life, property or the ability to access emergency services.
PSUP Act	Public Spaces (Unattended Property) Act 2021 (NSW).
Section 25 Notice	A notice issued to the responsible person for an item that has been taken into possession under section 25 of the PSUP Act.
Section 26 Notification	A notification to NSW Police that Council has taken possession of a motor vehicle under the PSUP Act.
Lawfully parked vehicle	A vehicle parked in a manner that does not contravene the NSW Road Rules 2014, the PSUP Act or any applicable parking restriction, including a vehicle parked near or adjacent to a driveway but not on or across it.
Minor and technical offence	An offence that is technical in nature, causes no obstruction, risk or detriment to any other person, and in respect of which there is no impacted party — for example, a resident, owner or occupier parking on or across their own driveway.

5. Policy Principles

Council's response to blocked driveway complaints is guided by the following principles:

- **Complainant must be the affected party.** Council will only act on reports made by the resident, owner or occupier of the obstructed property or their authorised representative. Anonymous or third-party reports will be closed with advice to contact Council directly.

- **Proportionality.** Enforcement action will be proportionate to the level of obstruction. Partial obstructions are dealt with by infringement. Complete obstructions may be escalated to towing where warranted.
- **Owner opportunity to move.** Where practicable and time permits, Council will make reasonable attempts to have the vehicle moved voluntarily, including via NSW Police contacting the registered owner, before arranging a tow.
- **Emergency priority.** Emergency situations, particularly a vehicle trapped inside a driveway, are prioritised and may justify immediate escalation to towing under the PSUP Act.
- **Evidence.** Every enforcement action must be supported by contemporaneous photographic and written evidence sufficient to withstand review and any subsequent court challenge.
- **Officer discretion.** The determination of whether a driveway is partially or completely obstructed is a matter for the attending Authorised Officer's reasonable judgement, recorded with supporting evidence.
- **Health and safety.** Officers will not place themselves, the public or contractors at risk. Where a situation becomes unsafe, officers will withdraw and request Police assistance.
- **Lawful parking.** This policy applies only to vehicles parked in contravention of the Road Rules 2014 or the PSUP Act. A vehicle parked near or adjacent to a driveway, but not on or across it and not otherwise in breach of a parking restriction, is lawfully parked and no enforcement action is available to Council.
- **Minor and technical offences.** Where an offence is minor and technical in nature and there is no impacted party, Council will generally not take regulatory action. Officers retain discretion to act where the parking creates a safety, access or amenity risk.

6. Roles and Responsibilities

Role	Responsibility
Customer Service Officer (CSO)	Receive and triage complaints, verify complainant details, create Service Request, escalate emergencies to on-duty Ranger/after-hours contact.
Parking Officer / Ranger (Authorised Officer)	Attend site, assess obstruction, gather evidence, issue infringements, coordinate with Police and tow contractor, place notification card, close Service Request.
Regulatory Support Officer	Obtain owner details from DRIVES24, issue Section 25 Notice, advisory letters, administer inbox.
Supervisor Ranger Services	Oversee operational decisions, approve towing where appropriate, quality assurance of files.
Authorised Towing Contractor	Attend and tow vehicle under Council direction, report destination to Council, comply with contract.
NSW Police	Assist with owner contact details in emergency situations and be notified of any vehicle taken into Council possession under section 26 of the PSUP Act.

7. Review

This policy will be reviewed at least every two years, or sooner where legislation, contractor arrangements or operational circumstances change. The Manager, Compliance, is responsible for initiating review.

8. Related Documents

- Randwick City Council Enforcement Policy
- Randwick City Council Code of Conduct
- Authorised Towing Services contract (VendorPanel / RFQ)
- Removal of Illegally Parked Vehicles Obstructing Driveways Procedure

9. Version History

Version	Date	Author	Summary of changes
1.0 (Draft)	16/07/2026	D. Scott	Initial draft policy document

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