

## Memo to Councillors

Planning & Place Division

**To:** All Councillors

**From:** Azmeena Kelly  
Executive Manager, Environmental Compliance

**Date:** 11 June 2025

**Subject:** Survey Submission – Office of Local Government – Evaluation of  
PSUP Laws.

**Record Number:** 2025/402693

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Dear Councillors

The purpose of this memo is to advise that Northern Beaches Council has made a submission in response to Office of Local Governments evaluation of Public Spaces (Unattended Property) Laws. The submission can be found in Attachment 1.

Should you require any further information, please contact me on 8465 6425.



Azmeena Kelly  
Executive Manager, Environmental Compliance.

## **Attachment 1 – Details of Northern Beaches Council’s online submission made on 10 June 2025 for the Public Spaces (Unattended Property) Laws Survey**

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### Public Spaces (Unattended Property) Laws Survey

#### **Information of privacy and confidentiality**

When you submit this survey, the Office of Local Government (OLG) will be collecting some personal information about you, in particular:

- your name
- your email address
- any personal information you decide to put in the additional comment field.

All input received through this consultation process may be made publicly available. Please let us know below if you do not want your name and personal details published.

As part of the consultation process, we may need to share your information with people outside OLG, including other public authorities and government agencies. We may also use your email to send you notifications about further feedback opportunities or the outcome of the consultation.

There may also be circumstances when OLG is required by law to release information (for example, in accordance with the requirements of the Government Information (Public Access) Act 2009). There is a privacy policy located on OLG’s website that explains how some data is automatically collected (such as your internet protocol (IP) address) whenever you visit OLG’s website. The link to that policy is <https://www.olg.nsw.gov.au/about-us/privacy-policy/>.

#### **Evaluation questions**

The Public Spaces (Unattended Property) Act 2021 (PSUP Act) and Regulation (Unattended Property Laws) commenced in November 2022 to provide councils, other public land managers and police with strong powers and penalties to manage property left abandoned or unattended in public. This includes:

- Small personal items such as kayaks and bicycles
- Shared devices such as shopping trolleys and e-bikes
- Motor vehicles including trailers, caravans and boat trailers
- Animals

Following a review of the previous Impounding Act 1993 these laws aim to encourage owners of unattended property to remove or collect them within certain timeframes, after which enforcement action may be taken.

The enforcement powers under the Act are discretionary and authorities are encouraged by OLG to develop policies in consultation with their communities for prioritising how they will exercise their enforcement functions to deal with unattended property. The laws provide for this flexibility as communities across NSW all have diverse concerns and needs.

**Infographics and guidelines are available on the OLG website to assist authorities, operators and owners understand and implement the Unattended Property laws. This includes information on penalties (fines).**

This evaluation seeks your feedback as to how effective the implementation of these laws has been.

When answering the questions below, please consider:

- powers available to authorised officers
- timeframes for enforcement action
- councils' and other authorities' approach to using the Unattended Property Laws
- definitions and key concepts under the PSUP Act
- types of items, land, and circumstances in which Unattended Property Laws apply
- interactions with other legislation (e.g. environmental laws or parking laws)
- guidance materials for authorities and community regarding the Unattended Property Laws

## EVALUATING THE PUBLIC SPACES (UNATTENDED PROPERTY) LAWS – SUBMISSION

**1. Please tick if you would like your name and personal contact details to remain confidential(Required)**

☐ Yes – Please keep my details confidential.

☐ I consent to my details being shared.

**2. Name(Required)**

First

Last

**3. Role title (if applicable)**

## EVALUATING THE PUBLIC SPACES (UNATTENDED PROPERTY) LAWS – SUBMISSION

**1. Please tick if you would like your name and personal contact details to remain confidential(Required)**

☐ Yes – Please keep my details confidential.

☐ I consent to my details being shared.

**2. Name(Required)**

First

Last

**3. Role title (if applicable)**

**4. Organisation/council name (if applicable)**

**5. Email(Required)**

**6. Type of organisation**

☐ Council

☐ Industry (eg Retailer or shared device operator)

☐ Advocacy body or general public

☐ NSW Government public land management authority

**7. How familiar are you with the NSW laws dealing with unattended items in public spaces?(Required)**

☐ Very familiar

☐ Somewhat familiar

**7. How familiar are you with the NSW laws dealing with unattended items in public spaces?(Required)**

- ☐ Very familiar
- ☐ Somewhat familiar
- ☐ Not familiar at all

**8. How effective are the Unattended Property Laws in addressing unattended property in your area? (Further questions will provide an opportunity for feedback on your response.)(Required)**

- ☐ Very effective
- ☐ Effective
- ☐ Neutral
- ☐ Ineffective
- ☐ Very ineffective
- ☐ Not Sure

**9. Which types of property do the Unattended Property Laws effectively address? (select all that apply)**

- ☐ Animals
- ☐ Vehicles
- ☐ Shared e-bikes/scooters
- ☐ Shopping trolleys
- ☐ Sign and other small items
- ☐ None of the above
- ☐ Not sure

**10a. Does your council take appropriate enforcement action for unattended property?**

- ☐ Yes
- ☐ No
- ☐ Not applicable to me

**10b. Please explain your answer to the previous question:**

**10a. Does your council take appropriate enforcement action for unattended property?**

- ☐ Yes
- ☐ No
- ☐ Not applicable to me

**10b. Please explain your answer to the previous question:**

**11a – How effectively does your council address unattended animals?**

- ☐ Effective
- ☐ Neutral
- ☐ Ineffective
- ☐ Not sure

**11b – How effectively does your council address unattended vehicles?**

- ☐ Effective
- ☐ Neutral
- ☐ Ineffective
- ☐ Not sure

**11c – How effectively does your council address unattended shared e-bikes/scooters?**

- ☐ Effective
- ☐ Neutral
- ☐ Ineffective
- ☐ Not sure

**10a Does your council take appropriate enforcement action for unattended property:**

Yes

**10b Please explain your answer to the previous question:**

1. Following an inspection/ investigation, if property is deemed unattended, council would issue a notice to the owner (if identifiable) requiring removal within the specified timeframe for the property in question.

2. If items are not removed within the specified timeframe, Council takes possession of the item.
3. Enforcement action by way of fines is also issued on the owner has failed to remove property after notice is given.

11c – How effectively does your council address unattended shared e-bikes/scooters?

- ☐ Effective
- ☐ Neutral
- ☐ Ineffective
- ☐ Not sure

11d – How effectively does your council address unattended shopping trolleys?

- ☐ Effective
- ☐ Neutral
- ☐ Ineffective
- ☐ Not sure

11e – How effectively does your council address unattended signs and other small items?

- ☐ Effective
- ☐ Neutral
- ☐ Ineffective
- ☐ Not sure

12. What challenges, if any, are you aware of with compliance or enforcement of the Unattended Property Laws?

13a. Are the penalties (fines) for unattended property under the Unattended Property Laws appropriate?

- ☐ Too low
- ☐ Too high
- ☐ About right
- ☐ Not sure what the penalties are

**11c:**

Neutral

**12 What challenges, if any, are you aware of with compliance or enforcement of unattended property laws?:**

The biggest challenge faced by officers is the interpretation and obtaining sufficient evidence to prove the legal definition of “attended/unattended”. The current definition can lead to it being interpreted subjectively. A further expanded definition or guidance would assist all users of this legislation. Ie; circumstances where an owner continues to leave an unregistered vehicle on the road after the owner has claimed the vehicle, so it is now not unattended as it is under the owner’s supervision? Officers are hesitant to take enforcement action as the definition currently reads supervision or control. In this example the vehicle could be determined to be supervised by the owner.

13b. If you answered "too high" or "too low" in the previous question, please describe which penalties you are referring to and any changes you would suggest to make the penalties appropriate.

14.a Authorised officers must notify operators of unattended shopping trolleys and allow them to collect the trolley(s) within the following timeframes before taking enforcement action: If trolley is obstructing access or posing a safety risk [3 hours] – If trolley is interfering with public amenity [4 days] – If trolley has been unattended in the same place (trolley must be unattended for 7 days total prior to any enforcement action) [4 days] – Are these timeframes:

- ☐ Too short  
☐ Too long  
☐ Effective as is

14b. Please explain your answer to the previous question:

15a. Would additional reforms help improve problems with unattended shopping trolleys, e.g. mandatory management strategies such as wheel locks or coin-deposits to prevent trolleys from being taken off retailer premises?

- ☐ Yes  
☐ No

15b. Please explain your answer to the previous question:

**13b:**

Current penalties appear to be sufficient

**14a:**

Effective as is

**14b explain:**

Currently Northern Beaches Council does not have a major issue in this area so no changes are suggested

**15a Would additional reforms help improve problems with unattended shopping trolleys, e.g. mandatory management strategies such as wheel locks or coin-deposits to prevent trolleys from being taken off retailer premises:**

Yes

**15b Please explain your answer to the previous question:**

There is opportunity to make use of technology such as defining acceptable areas for the use of shopping trolleys via wheel locking fields. Also requiring retailers to have mandatory branding on trolleys with an email address and/or a smartphone application where members of the public can report trolleys easier.

GPS tracking should be considered as a means of locating articles including trolleys.

16a. As private vehicle use has increased and parking space has become more contested, Unattended Property Laws give authorised officers powers to take enforcement action (e.g. fines, or impounding) for unattended, registered vehicles (including caravans, cars and boat trailers). This includes vehicles that are parked safely on the street in areas without parking restrictions, where the officer reasonably believes they have been unattended for 28 days or more. Do you support these powers?

☐ Yes

☐ No

16b. Please explain your answer to the previous question:

17. What changes would you suggest to the Unattended Property Laws to make them more effective?

18. Are there other types of support that OLG could provide to councils, industry, or community for managing unattended property that would make the Unattended Property Laws more effective?

19. Do you have any other comments about the Unattended Property Laws?

SUBMIT

**16a As private vehicle use has increased and parking space has become more contested, Unattended Property Laws give authorised officers powers to take enforcement action (e.g. fines, or impounding) for unattended, registered vehicles (including caravans, cars and boat trailers). This includes vehicles that are parked safely on the street in areas without parking restrictions, where the officer reasonably believes they have been unattended for 28 days or more. Do you support these powers:**

Yes

**16b Explain your answer to the previous question:**

Whilst we support this provision in principle, the practical regulation can pose some challenges, including creating expectations within the community that safely and legally parked vehicles will be removed simply because there is a statutory power to do so. This has a potential to create inequity within local communities, as well as workload constraints for authorised officers. For this reason, it is suggested that guidance be provided within the definitions of the Act of what constitutes “interference with public amenity”.

**17 What changes would you suggest to the unattended property laws to make them more effective:**

Providing more clarity around the definition of “unattended”. Supervision or control. To make the definition easier and consistent for enforcement. When it comes to the impounding of vehicles the provisions are working well, however, the definitions of “abandoned” and “unattended” can be subjective and open to interpretation. Clarification is needed to remove ambiguity around this definition.

1. A concern that often arises within the community is the amount of time given to owners to move their vehicles is too long, and that coupled with multiple required notification periods, the amount of time it may take for an unattended item to be removed is overly generous and take a number of months to enact. i.e., a registered vehicle that has been identified as having not moved for 28 days, the owner is then given a further 18 days to make representations and/or remove the vehicle. It is during this period that we receive the most complaints from members of the public. Perhaps a consideration can be to reduce the notice periods for property owners to remove unattended items once an investigation has commenced.
2. Currently there is no classification for a boat that can only be moved by more than 2 persons. An update to the classification of an article or class 3 item to include larger boats would provide officers with similar powers of removal of smaller boats. Officers are left to rely on other legislation which is not always fit for purpose such as:
  - *Maritime Safety Act 1988*
  - *Environmental Planning and Assessment Act 1979*
  - *Protection of the Environment Operations Act 1997, or*
  - *Uncollected Goods Act 1995.*
3. As outlined above, additional guidance on the definitions of what constitutes “interference with public amenity” would assist to investigate/regulate legally and safely parked vehicles.

#### **19 Additional comments:**

Given there are no restrictions for vehicles owners to legally park vehicles such as boat/trailers within local government areas outside which they reside, it would assist for the State to consider a wide-reaching education campaign to encourage responsible parking practices and raise awareness about appropriate storage for boats, caravans and trailers. Local councils can undertake education within their LGA's however this would only reach residents within their community.

#### **Submission confirmation received**

*Public Spaces (Unattended Property) Laws Survey*

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Thanks for contacting us! We will get in touch with you shortly.