



Public Spaces (Unattended Property)

Frequently asked questions



Public Space (Unattended Property Act 2021) (PSUP)

What does the new legislation cover?

The Public Spaces Unattended Property Act considers property to be an animal or an item. The Act then breaks items that can be actioned into three (3) classes

- Class 1 items – small to medium sized capable of ownership that can be ordinarily collected by one or two persons without the need for machinery to lift, tow or move them (e.g., baggage, personal equipment such as surfboards or kayaks that are not available for hire).
- Class 2 items – items available for use by the public at large, whether or not on payment of a fee or other benefit, including as part of a sharing service (e.g., share-bikes and shopping trolleys).
- Class 3 items – motor vehicles, including hire cars, caravans, trailers, and boat trailers.

Does PSUP apply to my cat or dog?

PSUP does not apply to companion animals (Cats & dogs), except where a dog is in a National Park. The Companion Animal Act 1998 will be the applicable legislation when dealing with cats and dogs in the Inner West.

What does unattended mean?

*The definition in the Act is **unattended**, in relation to property, means the property is not under the direct control or supervision of the responsible person.*

How long can an item stay in the public place unattended?

Once Council has been made aware of the item, the matter will be investigated, and the following timeframes apply:

Class 1 & 2

- *interfering with public amenity or left in the same place, 7 days.*
- *Safety Risk or obstructions 3hrs (in this case, Authority may move the item to a safe location).*

Class 3

- Registered and safely parked 28 days.
- Unregistered & safely parked 15 days (May incur \$283 on the spot fine for being unregistered)
- Safety risk or obstructions may be removed immediately, and fines may apply.

If I move the item what happens next?

If an item is removed prior to Council taking possession of it, the current investigation will be concluded at that point.

What if someone reports my item again after I move it?

The process including the period of monitoring to determine if it is unattended will commence again.

How does Council define “...supervision...” of motor vehicles?

The Inner West area has some unique challenges with population density, limited on-street parking, housing stock that has little or no off-street parking opportunities. These factors create high demand for those available parking spaces.

To try and maintain a balance between all factors, Council has determined that vehicles that are legally parked and registered AND directly outside the owners dwelling will be considered supervised.

Why is there a sticker on my tyre?

In some situation's stickers are placed on tyres to alert the owner that Council is monitoring a vehicle and giving them an opportunity to relocate the vehicle prior to Council taking action.

My car is registered and legally parked, so why do I need to move it?

The Act's focus is to “...ensure public spaces can continue to be used, shared and enjoyed by the community as a whole...”. A vehicle may be registered and legally parked but if it is not supervised then it is no longer able to take up parking spaces for indefinite periods.

What if I move the vehicle to the next spot or down the road?

The Act refers to the vehicle being “in the same or substantially the same place”, typically Council would consider this to be within the same general locality, but individual officers will have to assess this on a case-by-case basis.

What are my options if I think Council are wrong?

In the first instance Council would recommend speaking with the investigating officer to express your concerns or you may choose to put your concerns in writing to Council and someone will respond to you.

If you believe you have been issued a direction, the penalty amount is incorrect or excessive or Council took possession of your item unlawfully then you may apply to the Civil and Administrative Tribunal for an administrative review under the Administrative Decisions Review Act 1997. Further information regarding this process can be found at [NSW Civil and Administrative Tribunal](#)

If you wish to appeal a penalty you can request a review from Revenue NSW or elect to have the matter heard by the Court. For further information on those processes go to [Fines | NSW Government](#)

How do I report unattended items?

Details on how to contact Council can be found at [Contact - Inner West Council \(nsw.gov.au\)](#)

What happens when Council takes possession of an item?

If the value of the item is believed to be below \$200 for classes 1 & 2 or \$1500 for a class 3 item, Council may dispose of or destroy the item immediately. Council may sell or dispose of any other item if it is not claimed within 28 days of Council either notifying the owner that Council have taken possession, or if the owner is unknown, from the day Council takes possession.

Where do I check to see if Council has taken my property?

You can check the [Impounded articles register - Inner West Council \(nsw.gov.au\)](#) or call Council on 02 9392 5000 to check.

How do I get it back?

To claim an item, you need to be able to demonstrate that you are the owner (or acting on the owner's behalf) and pay all of the fees associated with the storage and collection of the item. Please contact the officer who sent the notification or otherwise call Council on (02) 9392 5000 and ask to speak to the Senior Ranger.