

New rules for small or medium sized personal items left in public

Why are the new laws necessary?

It is important to ensure public spaces are safe, accessible and can be enjoyed by everyone, without having to navigate obstacles created by unattended property. This includes personal items (not including animals) that are small or medium-sized and ordinarily able to be collected by 1 or 2 people. Examples include baggage and personal recreation equipment such as kayaks, bicycles and surfboards.

Unattended kayaks and other small watercraft on the foreshore of our waterways are an issue for a number of communities due to the access and amenity issues they can cause for members of the public.

The NSW Government has introduced new laws – the *Public Spaces (Unattended Property) Act 2021* and regulations – that put accountability firmly on those responsible to do the right thing and remove their property quickly from public land.



How does it work?

Councils and other public land authorities may notify the owner that their item is causing a safety risk or an obstruction or has been left unattended in one place for too long. Where the owner is unable to be identified, a notice may be affixed directly to the unattended item.

Once notified, the owner must respond and move the item within the following risk-based timeframes:

- **3 hours** if causing an obstruction or safety risk (except after 11pm and before 7am)
- **7 days** if left in one place for **more than 7 days**.

If these timeframes are not met, the council or public land authority may:

- move the item causing a safety risk or an obstruction to a safer place in the same general area, or
- take possession of the unattended item and move it to a place of storage, and
- issue a fine.

Fines for leaving an item unattended will apply from **1 May 2023** of **\$330 per item**. Higher court-imposed penalties may apply.

Have an issue with an unattended item?

Contact your local council or the public land authority.

Authorities have strong powers to hold those responsible for items left unattended in public accountable, to remove their items from public land within risk-based timeframes.

Responsible ownership

Under the new Act, the onus is on individuals and businesses to better manage their own items, supporting the Government's commitment to keep public spaces safe and accessible for the community. This means owners must:

- take responsibility for their items, and
- always store personal items safely within their private premises or in allocated storage locations (if available).

Where to get more information

Department of Planning, Housing and Infrastructure
Office of Local Government

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