

2259 - Abandoned Vehicles

Governance Policy

PURPOSE

- 1) The purpose of this policy is to guide Council Officers in dealing with vehicles left abandoned on Council Roads.

SCOPE

- 2) This policy only applies to vehicles left abandoned on Council roads or as otherwise provided for under section 100 of the *Transport Operations (Road Use Management) Act 1995* (Qld).

DEFINITIONS

Term	Definition
Abandoned	in relation to a vehicle, means a vehicle that has been left or deserted and includes a vehicle that has no current registration and/or number plates.
Council	means North Burnett Regional Council.
Council Roads	means all local government-controlled roads within the North Burnett Regional Council area.
Hazardous	in relation to a vehicle, means if the vehicle is causing, or is likely to cause, danger, hinderance or obstruction to traffic or is preventing, hindering or obstructing, or is likely to prevent, hinder or obstruct, the use of the road or a part of the road for a lawful purpose.
Road	means an area that is: (i) open to or used by the public and is developed for, or has as 1 of its uses, the driving or riding of motor vehicles, whether on payment of a fee or otherwise; or (ii) dedicated to public use as a road; but does not include an area declared under a regulation not to be a road. <i>Example of an area that is a road—</i> <i>a bridge, cattle grid, culvert, ferry, ford, railway crossing, shopping centre car park, tunnel or viaduct</i>
TORUMA	means <i>Transport Operations (Road Use Management) Act 1995</i> (Qld).
Vehicle	includes any part of a vehicle.

POLICY

OBJECTIVES

- 3) To outline Council's role in the removal, storage and sale of abandoned vehicles.

PRINCIPLES

- 4) Vehicles left on a Council road that are either abandoned or present a hazard to other road users (both pedestrians and drivers) in circumstances where the owner cannot be found or has failed to remove the vehicle when requested, can be removed by Council.
- 5) When dealing with abandoned vehicles Council will adhere to the provisions of the TORUMA.

POLICY STATEMENT

- 6) Abandoned Vehicles are unsightly and can be dangerous to both vehicular and pedestrian traffic.

- 7) Council will respond to complaints regarding abandoned vehicles in accordance with its administrative timeframes and abandoned vehicle procedure.
- 8) Pursuant to section 100 of the TORUMA, Council has the power to remove a vehicle on a Council Road that has been abandoned by the person who last drove or used it or:
 - (i) has been left on a road unattended for a period of time (even temporarily) or in a place, condition, way or circumstances where its presence is hazardous; **or**
 - (ii) found on a road in a place, condition, way or circumstances where its presence is hazardous or in contravention of TORUMA.

and

 - (i) the driver cannot be readily located; or
 - (ii) has failed to immediately remove the vehicle when required by Council to do so.
- 9) Council's Authorised Officers will undertake an inspection of a vehicle that has been reported abandoned and determine whether the above requirements are met.
- 10) Where the requirements of section 100 are met, Council Officers will follow its approved procedure for dealing with abandoned vehicles.
- 11) Owner/s of an abandoned vehicle will be responsible for all costs associated with the towing and storage of the vehicle.
- 12) In the event an abandoned vehicle is offered up for auction / tender the vehicle will be sold on an "as is where is" basis, in accordance with Council's Terms and Conditions of Sale by Tender, as amended from time to time.

ROLES AND RESPONSIBILITIES

- 13) Council is responsible for the removal of an abandoned or hazardous vehicle where the driver cannot be readily located or has failed to remove the vehicle upon request.
- 14) Planning and Environment Manager is responsible for the implementation of this policy and adherence to any supporting procedures.

APPLICABLE LEGISLATION AND REGULATION

- 15) Applicable legislation and regulation:
 - (a) *Transport Operations (Road Use Management) Act 1995.*

RELATED DOCUMENTS

- 16) Related documents are:
 - (a) Dealing with Abandoned Vehicles Procedure;
 - (b) Terms and Conditions of Sale by Tender.

RESPONSIBLE OFFICER

General Manager Corporate and Community

APPROVAL DATE

26 October 2021

REVIEW DATE

October 2025 (Standard four year term)

REVISION HISTORY

Version	General Managers	Approval Date	History
1	General Manager Community and Culture	26 October 2021	New