

Unattended Vehicle Policy

Date Adopted: 23 May 2023

Version: 1.1

Policy Objectives

To ensure legislation and resources are applied to achieve positive environmental, health and safety outcomes for the community in an ethical and transparent manner.

To encourage persons responsible for property to act quickly and responsibly to mitigate risks to access, safety and amenity that may arise from the property being left unattended.

To ensure Council authorised officers are responding to, investigation and taking appropriate regulation action in accordance with the legislative requirements and legislative intent of *Public Spaces (Unattended Property) Act 2021*.

Policy Scope

This Policy relates directly to staff within Ranger Services and indirectly to all staff who may have occasions to assist or be in the vicinity of unattended vehicles, where an unattended vehicle has been identified within the Maitland Local Government Area pursuant to the *Public Spaces (Unattended Property) Act 2021*.

Policy Statement

- To ensure any unattended vehicles are identified and managed in a manner that is consistent with legislative requirements
- To provide guidance to Council staff in order to achieve the ethical and transparent management and disposal of unattended vehicles.
- To reinforce the adherence to Council's Code of Conduct, legislation, the principles of natural justice and procedural fairness in Council's management of unattended vehicles.

Strategic Plan

Delivery Program and Operational Plan, 2022/23 Action 1.1.3.4 Prepare a policy on abandoned cars.

Policy Content

- Rangers Services will develop and maintain a Standard Operating Protocol (SOP) for the identification and management of unattended vehicles, in accordance with Appendix 1, Figure 1: Regulatory process for unattended vehicle, and Appendix 2, Table 1: Unattended vehicle periods and notice timeframes.
- Prior to taking possession of a vehicle that is causing an amenity issue or has been left in one place for too long, authorised officers will take one or more of the following steps to identify and notify owners of property:

- Searching registers such as the NSW registrable vehicle register under the Roads Transport Act 2013
- Affixing a Notice ‘sticker’ to the vehicle to identify the vehicle as being unattended
- Door knocking nearby residences to gather information about the vehicle
- If unlocked, searching the vehicle for identifiable documentation or information
- Making enquiries with NSW Police about the name and address of the owner of the vehicle.
- Council will utilise the Metford Work Depot, Maitland Animal Management Facility or a private location provided by a contractor under a relevant service agreement as a ‘place of storage’ for unattended vehicles, upon the direction of the Team Leader, Ranger Services. Once an authorised officer takes possession of property under the Act, Council will take all reasonable care to ensure the vehicle remains in the same condition it was prior to Council taking possession of the vehicle – until it may be returned to the owner, sold or disposed of.
- Access into Council’s ‘place of storage’ will be restricted only to relevant authorised staff delegated as authorised officers for the the Public Spaces (Unattended Property) Act 2021, or other staff authorised by the Team Leader, Ranger Services to perform grounds maintenance.
- Any vehicles that are able to be sold due to having an estimated market value of more than \$1,500 will be sold by public auction through an online public auction site or another method deemed appropriate by Team Leader – Ranger Services.

Policy Definitions

- “place of storage”, for an item, means a place appropriate for the storage of the item while the item is in the possession of an authority.
- “unattended”, in relation to property, means the property is not under the direct control or supervision of the responsible person
- “motor vehicle” means— (a) a motor vehicle within the meaning of the Road Transport Act 2013 and includes a caravan, boat trailer or other trailer, whether or not attached to a motor vehicle, and (b) the remains of a vehicle, and (c) property, including parts and accessories, secured to or in a vehicle at the time it is taken possession of.

Policy Administration

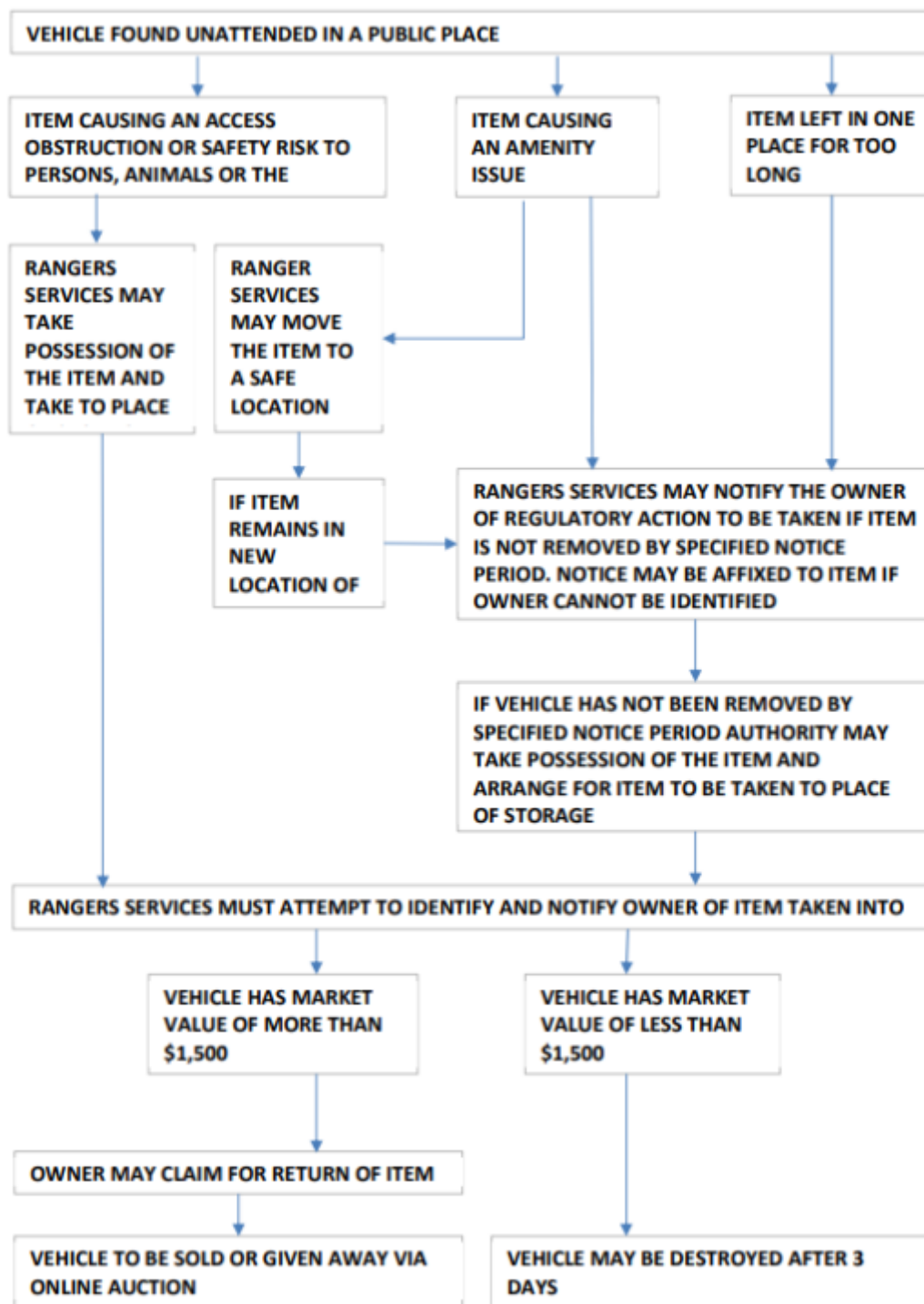
Business Group:	City Planning
Responsible officer:	Coordinator Regulatory Compliance
Council reference:	Ordinary Council Meeting – 23 May 2023 Item 11.3
Policy review date:	Three (3) years from date of adoption
File number:	61/10
Relevant legislation	Public Spaces (Unattended Property) Act 2021 Public Spaces (Unattended Property) Regulation 2021
Related documents	Code of Conduct Unattended Vehicle Protocol

Policy History

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	23 May 2023	New policy adopted
1.1	-	Updated to new branding and alignment to organisation structure. No change to content.

Appendix 1

Figure 1: Regulatory process for unattended vehicle



Appendix 2

Table 1: Unattended vehicle periods and notice timeframes

ITEM	UNATTENDED PERIOD	NOTICE TIMEFRAME
Class 3 item (vehicle) – registered vehicle	28 days or more	15 days
Class 3 item (vehicle) – registered but inoperable vehicle (e.g. due to damage or missing parts)	15 days or more	3 days
Class 3 item (vehicle) – unregistered vehicle	15 days or more	3 days

DEADLINE FOR RETURN – TIMEFRAME TO HOLD PROPERTY IN POSSESSION BEFORE SALE OR OTHER DISPOSAL		
Class 3 item (vehicle)	Over \$1,500 in value	28 days
Class 3 item (vehicle)	Less than \$1,500 in value	3 days