



City of **HOBART**

**Memorandum:** Lord Mayor  
Deputy Lord Mayor  
Elected Members

## **Response to Question Without Notice**

### **CLEARWAYS - AUTHORITY TO REMOVE VEHICLES**

**Meeting:** City Infrastructure Committee

**Meeting date:** 11 December 2019

**Raised by:** Alderman Behrakis

#### **Question:**

What is the likely hood of Council obtaining authority to remove a vehicle from clearways and if authority is obtained, what would the cost be to Council to tow a vehicle?

#### **Response:**

Clearways, with the towing of vehicles illegally parked in those clearways, are common in major cities across Australia. In Hobart, following the addition of 48B to the *Roads & Jetty Act 1935* (extract below), the Department of State Growth has commenced the towing of vehicles on Davey Street and Macquarie Street.

#### ***48B. Power to remove vehicles causing obstruction or danger***

*(1) A road authority may move, keep or impound any vehicle (and anything in, on or attached to the vehicle) that –*

- (a) is causing an unlawful obstruction; or*
- (b) is unlawfully parked or left standing in an area designated by the Minister; or*
- (c) has been left standing illegally for a period of at least 2 days; or*
- (d) has been left standing in an area in which in the opinion of the road authority the vehicle is obstructing the free movement of traffic on a road or from a driveway; or*
- (e) has been left standing in an area in which in the opinion of the road authority the vehicle constitutes a hazard to road safety.*

*(2) A road authority must return to its owner a vehicle moved, kept or impounded under subsection (1) on payment of a fee.*

*(3) The fee set for the purposes of subsection (2) must not exceed an amount that reasonably represents the cost to a road authority of impounding, moving, keeping and releasing the vehicle, including any relevant overhead and other indirect costs.*

*(4) Subject to subsection (5), a road authority may sell, destroy or give away a vehicle that has been moved, kept or impounded under subsection (1) (and anything in, on or attached to the vehicle) if the owner of the vehicle has not paid the fee under subsection (2) within 60 days of the date when the vehicle was first moved, kept or impounded.*

*(5) Before exercising the power under subsection (4), the road authority must take reasonable steps to notify the owner of the vehicle that the vehicle has been moved, kept or impounded and that it may be sold, destroyed or given away unless the specified fee is paid within 60 days.*

*(6) A road authority and anyone who obtains the vehicle from a road authority under subsection (4) is not liable to the owner of the vehicle or any other person in respect of any action taken under that subsection.*

Assuming that there was seen to be a public benefit in having Local Government in Tasmania have the Authority to tow illegally parked vehicles on roads under Local Government management, it would be a matter of having a similar clause added to the *Local Government (Highways) Act 1982*. The Council has previously written to the State Government seeking this change and associated authority.

Officers are optimistic that there will ultimately be support for the towing of vehicles parked in clearways on Local Government roads in the City of Hobart if this were seen as a way of reducing / improving congestion in and around the Hobart CBD.

In terms of the cost to Council of towing a vehicle, any towing activity would be undertaken by external contractors.

Based on current contracts with service providers for similar services (Council has no contract for towing) the direct costs would be expected to be in the order of the following:

***For Occasional Towing***

- Cost to visit site, load vehicle onto truck, return vehicle to compound for safe storage - \$280 (including gst).
- Cost to have staff member at compound to return vehicle to owner - \$80 (including gst).

***For Presence On Site Each Weekday Morning and Afternoon Peak Period***

- \$205,000 per annum (including gst).

In both cases the aim would be for the service to operate on a 'cost recovery' basis, with the vehicle owner being required to pay a set fee prior to the retrieval of their vehicle.

Under the 'Occasional Towing' scenario, response times would be unreliable, and the risk of a driver being towed would be low. By the time a vehicle had been noticed, the operator called, and the vehicle travelled to the site, it may be too late to be of benefit during that commuter period.

Having a dedicated driver and vehicle patrolling a network of clearways would be the most effective way to manage such a system.

If for example, the work were put to tender, and the tender cost to the City of Hobart was \$200,000 per annum, the net cost would be \$200,000 less the income received from the Towing / Vehicle Retrieval Fee. This would depend on the amount of the fee, and the level of compliance with the clearway restrictions.

In reality, it would be unlikely that any more than 1 vehicle would be towed in each weekday commuter peak period. At a fee of \$382 for towing, this would result in revenue of \$198,640 per annum.

The fees and fines currently charged in Tasmania and interstate are summarised in Table 1.

State	Road Authority	Clearway Parking Fine	Towing / Vehicle Retrieval Fee	Storage Fee	Vehicles Impounded?
Tasmania	State Growth	\$126	\$382.62	\$60/day after 2 days.	Yes
Victoria	VicRoads	\$165	\$361	\$15.20/day after 5 days.	Yes
	City of Melbourne		\$425	Unknown	
	City of Port Phillip		\$437	\$19.50/day after 2 days.	
New South Wales	Roads Maritime Services	\$268	\$203	No Fee (Vehicle moved to safe side road)	No
Queensland	Brisbane City Council	\$266	\$255.65	\$25.55 / day	Yes

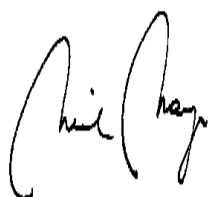
*Table 1 – Clearway Towing Fees & Charges Comparison*

*N.B – The paragraph below was added on 20 February 2020 as additional information for Elected Members. The following paragraph did not appear on the original copy of this memorandum originally circulated, and is the only alteration to the memorandum originally circulated.*

Officers are currently investigating the potential to either introduce an amendment to the City of Hobart By-Laws, or to seek an amendment to statewide legislation, to allow the City of Hobart to undertake the towing of vehicles illegally parked in clearways.

*Additional information ends.*

*As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.*



Neil Noye  
**DIRECTOR CITY PLANNING**

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