



PROPOSED HUON VALLEY MUNICIPAL AREA BY-LAW 2026 BY-LAW No. 1 OF 2026 REGULATORY IMPACT STATEMENT

Section 156A Local Government Act 1993

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1. BACKGROUND

The Huon Valley Council as a local government authority undertakes general roles and functions under the *Local Government Act 1993* (the Act) as well as powers and functions under other Acts of State Parliament.

The broad functions of the Council are set out in section 20 of the Act as:

- To provide for the health, safety and welfare of the community;
- To represent and promote the interests of the community;
- To provide for the peace, order and good government of the municipal area.

The Council may do anything necessary or convenient to perform its functions within its municipal area.

With a population currently estimated at 19,742 (as of 30 June 2024) the Huon Valley Municipal Area is diverse with:

- Five main towns of Huonville, Cygnet, Geeveston, Dover and Franklin;
- a number of small rural settlements;
- coastal “shack” settlements;
- rural living communities;
- bush living opportunities; and,
- large areas of rural land.

To support this community the Council provides a broad range of services including provision of:

- government administration
- recreation centres, swimming pools, sports grounds, walking tracks and public open space, children’s playgrounds
- marine facilities including boat ramps and jetties
- camping areas and dump points
- spaces and facilities for the community to gather, meet and hold functions such as halls
- waste management facilities and a kerbside collection service for the disposal of waste
- local Roads for transport and connectivity
- public stormwater systems across the urban areas of the municipal area and roadside drainage for rural areas.

The Council services are provided for the broad benefit of the community and for public use. Use of the services should not be unnecessarily impeded but must be regulated for the protection of those who use the services and to protect the assets of the land and facilities to the community.

Section 145 of the Act Council provides that Council may make By-laws in respect of any Act, matter or thing for which the Council has a function or power under any Act.

The Council has had a long history of regulation of use of Council land and its facilities, waste management, caravans and roads.

Since 2012 the Huon Valley Council had refined its By-laws to the following:

Name	Purpose	Expiry Date
<i>Waste Management By-law 2012</i>	Regulating the disposal and collection of waste and the use of waste management facilities.	expired on 6 March 2023
<i>Roads (Local Highways) By-law 2014</i>	Regulating and controlling conduct on and use of the roads in the Huon Valley Municipal Area	Expired on 11 February 2025

	and prescribing the standard requirements for the construction of local highways and crossings (*Makes provisions relevant to the <i>Local Government (Highways) Act 1982</i>)	
<i>Caravan By-law 2015</i>	Regulating and controlling occupation of caravans, motor vehicles and temporary structures on land in the municipal area	Expires on 16 September 2025
<i>Council Land and Recreational Facilities By-law 2017</i>	Control and management of Council land and recreational facilities	Expires on 3 May 2027

As these By-laws having expired or set to expire, the Council has resolved to create one single By-law for the municipal area.

This will reduce duplication across By-laws and ensure consistency of approach to granting of permits and other permissions as well as consistent enforcement and administration approaches.

In making one By-law the Council has used the current By-laws as the basis for the new By-law as well as considering their current relevance.

Following review, it has been proposed to proceed with the single By-law in respect of continuing provisions from the waste, roads and Council land and recreational facilities By-laws.

Council will not continue with any regulation of provisions relating to the occupation of caravans as were provided in the previous Caravan By-law. Occupation of caravans and tiny homes are regulated through the *Land Use Planning and Approvals Act 1993* approvals process and a By-law cannot conflict with a planning scheme.

Additional provisions are included in the Proposed By-law in relation to environmental factors such as keeping of animals in residential areas as well as specific provisions to deal with unapproved sewerage disposal on land that may otherwise have been able to be dealt with through the former Caravan By-law.

The By-law does not purport to extend the Council's powers or authority and is mindful that it can only be administered within the resources that are currently available to the Council. Further regulation if requested by the community, and expected to be enforced by the community, will require additional resources at the cost to the community.

The proposed By-law does not propose any additional resources.

2. INTENTION TO MAKE BY-LAW

Section 145 of the Act provides the Council with the power to make By-laws in respect of any act, matter or thing for which a Council has a function or power under this or any other Act.

Under that section By-laws may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise specified in the By-law.

In accordance with section 8.2 of the Council's *Governance and Meeting Procedures Framework* it is the Council's practice to undertake its role and functions under existing legislation (Acts and Regulations) where this is provided.

Where there is a deficiency of legislation (ie. matters not properly covered) or where there are particular management or governance issues the Council will consider the making of By-laws to deal with these matters.

In preparing a By-law due regard will be given to the provisions within existing relevant legislation and the need to ensure that the By-law does not duplicate or conflict with those statutory provisions rather the focus will be to complement existing legislation.

Due regard will also been given to the reduction of administrative burden. To that end the intent of any By-law will be to keep regulation to a necessary minimum.

As a consequence the Council has resolved its intention to make the proposed By-law to replace the current By-laws for ongoing regulation of its Council property, infrastructure, service provision for waste and other environmental matters.

3. REGULATORY IMPACT STATEMENT

When a Council seeks to make a new or significant By-law amendment, the Act requires that a Regulatory Impact Statement (RIS) be prepared.

The preparation of an RIS requires the Council to analyse the most efficient and effective options available to deal with a particular issue. The RIS is also required to identify whether the benefits provided by the new By-law outweigh the cost of any restrictions on competition or the potential adverse impacts upon business. This requires an assessment of direct and indirect social, economic and environmental impacts of the proposed By-law and the alternatives considered.

Section 156A of the Act requires that, once the RIS has been prepared, Council must submit the RIS to the Director of Local Government. If the Director is satisfied that the RIS meets the statutory requirements, a Certificate to that effect will be issued and Council may then commence the public consultation process on the proposed By-law.

4. THE OBJECTIVES OF THE BY-LAW (Section 156A(2)(a))

The purpose of the proposed By-law is to provide a single legal source for the control and management of Council Property and Infrastructure, to provide regulation for specified services (in the case of the Proposed By-law, waste management facilities and kerbside collection services) and to address particular environmental issues within the Huon Valley.

The primary objectives of the proposed By-law are to:

- **Management and Control:** To provide for the comprehensive management, control and protection of Council property, infrastructure, roads, and facilities to ensure their proper use, maintenance and preservation.
- **Environmental Health, Public Health and Safety:** To protect public health, safety and environmental amenity through the regulation of activities on Council property and the provision of safe waste disposal, sanitary arrangements and infrastructure standards.
- **Peaceful Enjoyment:** To ensure the peaceful, orderly and equitable use of Council property and facilities by the public while preventing activities that unreasonably interfere with community amenity.
- **Waste Management:** To provide for safe, efficient and environmentally responsible waste collection, disposal and management services including access to waste facilities and prevention of uncontrolled disposal.

- **Permits and User Agreements:** To establish a permit and user agreement system for the regulated use of Council property, facilities, infrastructure and the undertaking of works to ensure compliance with approved standards and conditions.
- **Standards and Compliance:** To establish and maintain standards for construction, works, temporary occupation and use of Council property and infrastructure to protect assets and ensure public safety.
- **Enforcement and Penalties:** To provide necessary enforcement powers, penalties, infringement notices and compliance mechanisms for Authorised Officers and Police to ensure effective implementation of this By-law.

The means by which the proposed By-law achieves the objectives are:

Objective	Key Mechanisms	Primary Clauses
Management and Control	General management powers for rules and regulations; Closure powers for emergency/operational/safety purposes; Hire provisions with appropriate controls; Delegation mechanisms; Road construction standards; Comprehensive definitions	7, 8, 9, 11, 12, 46
Environmental Health, Public Health and Safety	Health controls (infectious diseases, cleanliness); Hygiene requirements (clothing, loitering); Safety provisions (firearms, fireworks, dangerous activities); Infrastructure safety (playgrounds, waste disposal); Animal control (effective control, nuisance prevention); Vehicle safety (clean wheels, appropriate tyres); Wastewater controls (unapproved sewerage disposal)	30, 31, 32, 33, 35, 39, 40, 50, 51, 53, 54, 55
Peaceful Enjoyment	Peaceable use provisions; Entry controls (closed/hired/fee areas); Event regulation (large functions, organised events); Activity controls (entertainment, preaching, collections, sports); Signage and distribution controls; Noise and disturbance controls; Banning powers (repeat offenders, 12 months max); Commercial activity controls	10, 24, 25, 26, 27, 28, 29, 36
Waste Management	Waste facility controls (local residents/businesses, proper fees); Disposal regulations (operating hours, signage compliance, officer directions); Waste type restrictions (excluded waste, declared weeds, hazardous materials); Kerbside collection service (domestic waste, recyclables); Bin management (storage, maintenance, placement, contents); Collection protection; Notice systems	49, 50, 51, 56, 57, 58
Permits and User Agreements	Application processes (written applications, detailed information, fees); Determination criteria (safety, amenity, public order); Permit conditions (terms, conditions, insurance); Competing applications (fair resolution); Permit management (format, duration, carrying, surrender); Security provisions (deposits, guarantees); Cancellation powers; Production requirements; User agreements alternative	14, 15, 16, 17, 18, 19, 20, 21

Standards and Compliance	Road work standards (permits for works); Crossing standards (repair, removal, construction); Construction controls (unauthorised structures, entrances, obstructions); Vehicle standards (appropriate tyres, clean wheels); Infrastructure protection (interference, damage, unauthorised connections); Environmental standards (pollution, material deposits, substance mixing); Camping controls; Residential area standards (animal keeping, poultry); Notice and direction powers	34, 39, 41, 42, 44, 47, 48, 54, 55, 63
Enforcement and Penalties	Authorised officer powers (removal, admission refusal, directions); Police powers (arrest, officer functions); Information gathering (name/address supply); Notice and direction systems; Cost recovery (repair damage, recover expenses); Removed articles system (storage, notice, disposal); Penalty structure (up to 20 penalty units); Continuing offences (2 units/day); Infringement notices (on-the-spot penalties, reduced payment options); Debt recovery	60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 73

Council understands that any person using Crown land that is leased or licenced by the Council is first and foremost subject to the legislation relevant to that Crown Land, the By-law is the Council permission after this has been met or obtained.

To recognise this the Council has included a clear factor in granting a permit to consider whether the applicant has obtained, or is able to obtain approval under that legislation. This will prompt both Council Officers in assessing the application and any person wanting to use the land that this needs to be addressed.

Non-Application of the By-law

The proposed By-law does not apply to:

- a councillor or an employee of the council or a contractor or agent of the council for activities in or on any public space in the course of their duties for and on behalf of the council; and
- any Council Property which is the subject of a lease from council to a person under Division 1 Part 12 of the *Local Government Act 1993* or a residence contract under the *Retirement Villages Act 2004*

5. NATURE OF ANY RESTRICTION OF COMPETITION (Section 156A(2)(b))

The proposed By-law primarily relates to issues of governance and Council control and management of council property, council infrastructure, and municipal services. The By-law establishes regulatory frameworks for public asset management, environmental protection, and service delivery rather than creating market restrictions.

Council property and infrastructure are provided as essential public assets for community benefit and Council operations, not for specific private commercial exploitation. However, regulated commercial use can be permitted through the By-law's permit and user agreement systems.

General Competition Analysis

The Proposed By-law applies equally to all community sectors utilising Council property, roads, waste management facilities and kerbside collection services.

There are no requirements made within the By-law that requires any business to first comply with the By-law (by the issue of a licence or permit) before that business can operate.

The By-law does not limit the Council's administrative discretion in goods and services provision that is undertaken through procurement principles under the *Local Government Act 1993*.

The proposed By-law therefore does not place restrictions on market entry, competitive conduct, product service innovation, or limit Council's administrative discretion in goods and services provision.

The By-law will impact persons from a competitive perspective who wish to use council property or infrastructure for commercial purposes, but only to the extent necessary for public asset management. This is in the same manner as private users of council property or infrastructure. One potential restriction on competition may be argued to be is where the Council has to deal with competing applications between commercial operators to use the same portion of land.

The Council does not receive regular applications for commercial use on council property and it has been the practice of the Council to encourage these to be on private land so that the Council is not seen to be supporting businesses over those who are paying rates on fixed premises within the municipal area.

The Council has also never had any competing applications for commercial activities on the same space and, as a matter of practice, the Council would work with competing applicants to identify alternatives to both operators using the same place.

The likelihood of this become an issue is low and will not result in a restriction in competition.

Where the Council would be seeking to involve commercial operators in organised events then the Council would adopt clear and transparent criteria associated with selection of operators for the use of council property or infrastructure.

The By-law is necessary for Council to retain control over activities on council property to ensure public access, peaceful enjoyment, safety, and asset protection.

Specific Competition Considerations

Category	Controls/Restrictions	Permit/Access Framework
Council Property and Infrastructure Use	Assessing competing applications (clause 17); General restrictions on commercial activities without permits (clause 36); Restrictions on entertainment for financial reward unless authorised (clause 27); Controls on marine facility use by trading vessels (clause 44); Signage and advertising controls (clause 29); Stall and street furniture regulations (clauses 36, 37)	Permit and user agreements with applications determined on merit according to established criteria (clauses 14-22); Permits cannot be issued for the same space; Permits include terms and conditions relevant to public asset protection and amenity
Waste Management Services	Applies equally to all community sectors disposing of waste and utilising Council's waste management facilities or kerbside collection services; Only Council or its authorised contractor may undertake Council's kerbside collection service (clause 56)	Does not restrict private operators from undertaking waste disposal and collection services outside of Council's systems; Contracts comply with <i>Local Government Act 1993</i> procurement provisions

Road Infrastructure and Works	Applies equally to all community sectors using Council road infrastructure; Commercial activities restricted to ensure acceptable public amenity impact; Limited opportunities include: Road occupation for events or obstructions (clauses 44, 26); Advertising signage placement (clause 29); Vehicle sales advertising (clause 36); Business advertising through parked vehicles/trailers (clause 45); Stall operation (clause 36); Street dining activities (clause 36)	Commercial access occurs with restrictions and constraints; Permit decisions may restrict or prevent some commercial access while allowing others, potentially impacting competition where demand exceeds capacity; Permits may include conditions restricting competitive conduct (operating hours, location specifications, activity limits)
Environmental Controls	Environmental and public health provisions (waste disposal, animal keeping, pollution controls) serve public health and safety rather than commercial regulation; Equal standards apply to all persons regardless of commercial or private status	Merit-based assessment using established criteria including public safety, amenity, environmental impact, and asset protection (clause 16)
Permit and User Agreement Systems	All permit applications determined on merit using established criteria including public safety, amenity, environmental impact, and asset protection (clause 16)	Clear application processes, determination factors, and appeal mechanisms ensuring procedural fairness; Conditional approval with appropriate terms and conditions protecting public interests while enabling legitimate commercial activities

Conclusion

The proposed By-law does not create any significant impact upon or restricts competition, focusing primarily on governance, public asset management, and community service delivery.

Any competitive restrictions are necessary and proportionate to ensure:

- Public access to council property and infrastructure
- Community safety and amenity
- Environmental protection
- Asset preservation and proper management

The By-law balances legitimate commercial interests with public asset protection through transparent, merit-based permit systems that enable appropriate commercial activities while maintaining public benefit primacy.

The By-law does not affect broader market competition outside the specific use of council property and infrastructure, maintaining market freedom in all other commercial activities.

6. COSTS AND BENEFITS OF ANY RESTRICTION ON COMPETITION (Section 156A(2)(c)(i))

As discussed in the previous section, the proposed By-law does not create any significant impact upon or restricts competition. However, where there may be limited impact upon competition, the costs and benefits analysis demonstrates that public benefits clearly outweigh any potential costs.

Cost Benefit Analysis

Issue	Costs	Benefits
Public Access Protection	Council property space only available for private/commercial use if permits granted	Public safety, peaceful enjoyment, and equitable access are prime criteria for any potential exclusive use
Infrastructure Asset Protection	Commercial activities must ensure council property and infrastructure are not damaged (e.g., clean vehicle wheels, appropriate tyres)	Restrictions necessary to minimise public safety hazards, asset damage, and repair costs
Road Reserve Protection	Construction activities must protect footpaths, nature strips, kerbs, and guttering from damage	Controls on works, Designated crossings reduce traffic confusion and minimise repair costs to road infrastructure
Waste Management Service Protection	Only Council or authorised contractors can collect from Council's kerbside service	Ensures service reliability and consistency, public health and safety standards, cost efficiency through coordinated collection and asset protection and prevents interference with essential municipal services
Limited Commercial Advertising	Reduced opportunities for roadside advertising and signage may limit business exposure	Reducing unauthorised signage ensures pedestrian access, reduces visual pollution, and eliminates safety hazards
Controlled Commercial Activities	Permits required for events, entertainment, stalls, and commercial operations on council property	Ensures activities are appropriate, safe, and don't interfere with public use or create safety hazards
Marine Facility Access	Trading vessels subject to mooring time limits and obstruction controls	Ensures equitable access for all users and prevents monopolisation of public facilities
Environmental Protection	Restrictions on waste disposal, pollution, and interference with wildlife/vegetation	Protects public health, environmental amenity, and preserves natural assets for community benefit
Playground and Infrastructure Use	Age-appropriate use requirements and damage prevention measures	Ensures child safety and extends asset lifespan reducing replacement costs
Animal Control Measures	Requirements for effective control and restrictions in certain areas	Protects public health, safety, and amenity while preventing damage to public assets

The above costs and benefits have not been quantified as it is difficult to determine exact impact nature. Most council property is not used for regular commercial purposes and commercial use is discouraged as a matter of practice, taking into account, competition with those commercial activities that operate from fixed premises and pay rates. Where commercial use occurs, regulation is essential to maintain public access and safety.

Conclusion

Analysis indicates that public benefits clearly outweigh any potential costs associated with competition restrictions.

Restrictions are minimal, necessary, and proportionate to legitimate public asset management and community protection objectives.

Any potential restriction to competition is clearly justified in the public interest, ensuring essential public assets serve their primary community benefit purposes while enabling appropriate commercial activities through transparent permit processes.

7. COST AND BENEFITS OF ANY IMPACT ON THE CONDUCT OF BUSINESS (Section 156A(2)(c)(ii))

As generally discussed in previous sections of this Statement, no significant impact restricting the conduct of business is foreseen. The proposed By-law primarily addresses governance and public asset management rather than business regulation covering three main areas: occasional commercial use of council property through permits, waste management facility access subject to standard requirements, and road/infrastructure works regulated to protect public investments.

Council property and infrastructure are funded through rates, charges, fees, and grant funding, and unless set aside for specific purposes, are generally available for public use and benefit. Any business impacts are limited to circumstances where businesses seek to utilise council property or infrastructure for commercial purposes.

Business Impact Framework

While generally available for public use, any commercial utilisation occurs only under controlled circumstances with costs appropriately borne by businesses rather than the broader community.

The By-law enables legitimate commercial activities through transparent permit and user agreement processes while protecting public investment and ensuring equitable access to community assets.

Cost-Benefit Analysis

Business Impact Category	Costs to Business	Benefits to Community & Business
Council Property Use - Permits and User Agreements	Administrative costs for applications, fees, and compliance conditions for events, services, and temporary operations	Ensures appropriate use, protects public assets, maintains community access, provides legal certainty for occasional commercial activities
Compliance Standards - All Sectors	Additional operational requirements for council property use, road works, waste disposal standards	Protects public safety, infrastructure integrity, environmental values, and ensures legislative compliance across all business activities

Access Controls - Property and Infrastructure	Must seek permission rather than assume usage rights; regulated construction of property access points for road works	Ensures equitable access, prevents monopolisation, reduces traffic confusion and infrastructure damage
Insurance and Security - All Activities	May require additional coverage or security deposits for permits and works	Protects community assets, ensures restoration if damage occurs, reduces public liability
Waste Management - Business Disposal	Must use appropriate facilities for trade/controlled waste; standard facility requirements same as residents	Ensures public health protection, legislative compliance, equitable treatment, facility sustainability
Construction and Works - Road/Infrastructure	Must meet approved standards for road works, crossings, vehicle cleaning requirements	Protects significant public infrastructure investments, prevents damage to road surfaces and public assets

Event organisers, sporting clubs, and similar organisations providing community benefits may receive favourable consideration in user agreements, reflecting their broader social and economic contributions.

Compliance costs cannot be precisely quantified as they depend directly on particular proposed uses, property types, and activity scope.

Any restrictions and associated costs are justified in the interests of:

- Public safety and amenity
- Infrastructure protection and asset preservation
- Environmental protection and health outcomes
- Equitable community access to public facilities
- Legislative compliance with waste management requirements

Many compliance requirements represent continuation of existing legal obligations rather than new business burdens.

Conclusion

The proposed By-law creates minimal restrictions on business conduct, with impacts limited to businesses seeking to utilise council property or infrastructure for commercial purposes.

Compliance costs are appropriately borne by businesses benefiting from public asset use rather than the broader community.

The By-law provides clear pathways for legitimate commercial activities through transparent permit and user agreement processes, or the alternative is through a lease of the land then the By-law would not apply.

Any business impacts are justified by significant public benefits including safety, asset protection, environmental preservation, and equitable access to community facilities.

8. ALTERNATIVE OPTIONS CONSIDERED BY COUNCIL (Section 156A(2)(d))

In developing the proposed By-law, Council has given particular regard to existing legislation including:

Primary Legislative Framework:

- *Local Government Act 1993*
- *Local Government (Highways) Act 1982*
- *Environmental Management and Pollution Control Act 1994*
- *Land Use Planning and Approvals Act 1993*
- *Public Health Act 1997*
- *Building Act 2016*
- *Urban Drainage Act 2013*
- *Burial and Cremation Act 2019*
- *Litter Act 2007*

Supporting Legislation:

- *Police Offences Act 1934*
- *Criminal Code Act 1924*
- *Traffic Act 1925*
- *Vehicle and Traffic Act 1999*
- *Road Rules 2019*
- *Roads and Jetties Act 1935*
- *Retirement Villages Act 2004*

Despite this extensive legislative framework, no existing legislation effectively enables comprehensive regulation, control, and management of the integrated services and functions addressed by the proposed By-law.

One issue that has been raised by the community in preparation of this By-law is the removal of regulation of occupation of caravans or tiny homes. There is a demand in the community that the By-law can in some way authorise use of these structures. The Council has though removed these from the By-law because:

- A By-law cannot overrule the requirements of State Legislation and under section 150 of the *Local Government Act 1993* the Council must not make a By-law which is contrary to law or is in conflict with any planning scheme.
- Any By-law or part thereof that conflicts with State Legislation is invalid.
- As both the *Land Use Planning and Approvals Act 1993* and the *Building Act 2016* apply to residential use, structures and wastewater disposal there is no valid option available to Council to address the issue by way of a By-law or Policy.
- Council's remaining option is to continue advocacy to the State Government to address the issue within the *Land Use Planning and Approvals Act 1993* and the *Building Act 2016* and Council will continue to do so.

Alternative Options Evaluation

Option	Description	Assessment	Key Limitations
1. Do Nothing	Maintain situation without comprehensive by-law regulation	Not Viable	Legal obligations for public health protection; asset protection requirements; statutory obligations under <i>Local Government (Highways) Act 1982</i> ; creates uncertainty and ambiguity
2. Existing Legislation	Rely solely on other statutory provisions (<i>Environmental Management and Pollution Control Act 1994</i> , <i>Police Offences Act 1934</i> , <i>Local Government Act 1993</i> ,	Inadequate	Limited scope; reactive approach; lacks specificity; no permit system; enforcement clarity issues; management inefficiency

3. Separate By-laws	Maintain separate by-laws for different functions (property, waste, roads, environmental)	Less Effective	Administrative burden; inconsistent enforcement; user confusion; overlapping provisions; maintenance complexity
4. Policy Approaches	Rely on council policies rather than by-law regulation	Insufficient Legal Authority	No enforcement power; limited binding effect; inconsistent application; no permit authority; reduced public transparency
5. Expanded Scope	Include additional functions (stormwater, cemetery, childcare, medical services, caravan regulation)	Current Scope Appropriate	Additional functions adequately covered by existing legislation or inappropriate for by-law regulation

Selected Approach: Comprehensive Integrated By-law

Rationale Summary

- Proactive management through up-front permit processes rather than reactive enforcement
- Legal effectiveness - only mechanism matching required governance authority
- Clear expectations - precise activity definitions reduce conflicts and improve enforcement
- Integrated management - single comprehensive framework across all council functions

Key Benefits

Benefit Category	Advantages
Administrative Efficiency	Single application process; consistent enforcement; unified penalties; streamlined compliance
User Clarity	One comprehensive document; consistent definitions; clear permit pathways; integrated appeals
Regulatory Effectiveness	Comprehensive coverage; proactive management; appropriate penalties; flexible enforcement options

Conclusion

The comprehensive by-law represents the only feasible option to achieve identified objectives, providing the most effective balance between regulatory necessity and community burden while ensuring compliance with all relevant legislation and filling regulatory gaps that cannot be addressed through existing statutory provisions.

9. GREATEST NET BENEFIT/LEAST NET COST ALTERNATIVE (Section 156A(2)(e))

The proposed comprehensive By-law represents the greatest net benefit and least net cost alternative for managing council property, infrastructure, and municipal services. Without appropriate regulatory framework, proper standards cannot be imposed to ensure council assets are appropriately managed to create safe and attractive environments for public use.

If Council cannot be satisfied that public safety, order, environment, or council property is not being compromised, the only alternative would be to prohibit certain activities entirely on council property - a far more restrictive and costly approach.

Comprehensive Net Benefit Analysis

Benefit Category	Community Benefits	User Costs	Net Impact
Asset Protection and Public Access	Council property and infrastructure protected from damage ensuring long-term investment preservation; peaceful enjoyment without unreasonable obstruction;	Appropriate use restrictions and permit compliance ensuring public benefit primacy; managed commercial access controls	High Net Benefit - Community investment protection far outweighs reasonable user restrictions
Public Health and Safety	Proactive management of health and environmental issues; road user safety through appropriate standards; sufficient sanitary arrangements; public safety incident prevention	Standard compliance obligations ensuring facility integrity and public safety; permit requirements for potentially hazardous activities	High Net Benefit - Public safety protection justifies compliance requirements
Environmental Protection	Environmentally sound waste management; pollution control and natural area protection; wildlife and habitat preservation; stormwater and air quality protection	Standard environmental protection obligations; appropriate disposal restrictions; reasonable activity controls	High Net Benefit - Long-term environmental value significantly exceeds compliance costs
Service Delivery and Regulatory Efficiency	Safe and efficient waste management delivery; proper regulation of road works; legislative compliance with planning and environmental requirements; facility sustainability	User-pays principle for waste services; administrative costs for work permits; equal application requirements	High Net Benefit - Essential service delivery benefits justify reasonable user costs
Cost Avoidance and Financial Benefits	Prevents community costs from property damage repairs; avoids access conflicts and safety incidents; clear financial benefits through appropriate regulatory regime	Users bear costs rather than community subsidisation; specified responsibility for maintenance and repairs	High Net Benefit - Significant community cost avoidance outweighs user cost allocation

Comparative Analysis with Alternatives

Alternative Costs Comparison

Alternative Approach	Key Costs	Impact Assessment
Do Nothing	Uncontrolled damage to council property and infrastructure; Public safety risks and liability exposure; Environmental degradation and remediation costs; Service disruption; Legal exposure for inadequate asset management	Highest Cost - Significant community burden with no benefits
Reactive Enforcement	Higher enforcement costs than proactive management; Damage repair costs exceed prevention costs; Legal complexity through multiple legislation; Community conflict and uncertainty; Service inefficiency and administrative burden	High Cost - Expensive and inefficient approach

Least Regulatory Burden Approach

Feature	Approach	Benefit
Permit System	Merit-based assessments allowing legitimate activities	Flexibility while maintaining standards
User Agreements	Flexible arrangements for different use types	Accommodates diverse needs
Penalties	Proportionate penalties reflecting offense severity	Fair and appropriate consequences
Guidance	Explicit requirements reducing uncertainty	Lower compliance costs
Administration	Streamlined processes minimising burden	Efficient service delivery

Financial Impact Analysis

Impact Category	Community Benefits	User Costs
Infrastructure	Protected investment preserving millions in council assets; Avoided repair and replacement costs	Permit fees; Compliance costs; Insurance requirements
Services	Efficient delivery of essential municipal services; Public health savings through proactive management	Standard requirements for safe use; Maintenance obligations
Economic	Economic development through appropriate commercial activities	Reasonable application and processing fees

Conclusion – Optimal Solution

The proposed By-law represents the optimal balance between regulatory necessity and community burden, providing maximum public benefit at minimum cost while ensuring essential council functions are properly managed and protected.

Benefit Category	How Achieved
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Greatest Net Benefit	Maximising public benefits (asset protection, public safety, appropriate use); Minimising community costs (user-pays principles, proactive management); Balancing interests (reasonable restrictions enable legitimate activities); Providing certainty (clear requirements reduce conflicts)
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Least Net Cost	Preventing damage (proactive management prevents costly repairs); Efficient administration (single comprehensive by-law); Proportionate regulation (minimum necessary restrictions); Flexible implementation (permit systems accommodate diverse needs)
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10. DIRECT/INDIRECT ECONOMIC, SOCIAL, ENVIRONMENTAL IMPACT (Section 156A(2)(f))

The proposed comprehensive By-law replaces multiple existing by-laws and continues established Council practices for managing council property, infrastructure, and municipal services.

The By-law provides significant positive impacts across economic, social, and environmental dimensions while maintaining cost-effective administration and user-pays principles.

Impact Category	Direct Benefits	Direct Costs	Indirect Benefits	Indirect Costs
Social	Public safety enhancement, peaceful enjoyment, anti-social behaviour regulation, equitable access, community wellbeing, community events, sporting club support, recreational opportunities, council liability reduction, emergency response	Permit and user agreement fees, compliance requirements, activity restrictions	Well-maintained facilities, regional development, community satisfaction, visual amenity, emergency housing, affordable options	Administrative burden, temporary access restrictions
Economic	User-pays principle, full cost recovery,	Permit application fees, insurance	Property values enhancement, regional	Limited commercial access, waste

enforcement self-funding, reduced repair costs, commercial opportunities, property development, tourism support, business service enhancement, infrastructure preservation, maintenance cost reduction	requirements, waste disposal compliance, road work standards, safety equipment arrangements, environmental protection measures	competitiveness, economic development, avoided costs	management compliance, construction standards, enforcement costs, monitoring requirements, application processing
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Environmental	Waste management control, stormwater protection, air quality protection, soil protection, vegetation preservation, wildlife protection, waterway protection, water conservation, waste minimisation, sustainable practices	Waste sorting costs, environmental standards, monitoring obligations	Habitat preservation, visual environment, climate benefits, community education, facility longevity, resource efficiency, legislative compliance	Inspection costs, remediation expenses
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Conclusion

The proposed comprehensive By-law provides significant positive impacts across all dimensions - social, economic, and environmental - while minimising costs through efficient administration and appropriate user-pays principles.

Benefits to Council and community far outweigh implementation and compliance costs, with most costs representing continuation of current practices rather than new burdens.

The By-law establishes a sustainable framework for managing council assets and services that:

- Protects community investment in public infrastructure
- Enables appropriate commercial and recreational activities
- Maintains environmental quality and public health
- Supports regional development and community wellbeing
- Provides efficient and equitable access to public facilities and services

The proposed By-law does not create additional costs to the community beyond current practices, while providing enhanced protection for public assets and community interests.

The comprehensive framework ensures Council can adapt to changing community needs while maintaining essential protections for public health, safety, and environmental quality.

11. STATEMENT OF CONSULTATION PROCESS (Section 156A(2)(g))

Prior to finalisation of the Proposed By-law and this Regulatory Impact Statement the Council has undertaken an informal engagement at “Consult” level in accordance with the Council’s *Community Engagement Framework*.

No public submissions were received during this period.

Feedback from State Government Agencies has been taken into account in the finalisation of this By-law to ensure that early feedback has been considered by the Council prior to making its formal intention to make the By-law.

Restrictions are minimal, necessary, and proportionate to legitimate public asset management and community protection objectives.

In accordance with the *Local Government Act 1993*, and as part of the By-law making process, submissions are invited from the public.

Submissions on this proposed By-law may be made in writing, within 21 days from the date of publication of the initial notice in the Mercury newspaper.

Submissions may be lodged through the following methods:

- By Post to the Chief Executive Officer, Huon Valley Council PO Box 210, Huonville 7109
- In person to the Council’s Customer Service Centre, 40 Main Street, Huonville (during the hours of 9:00am to 4:45pm)
- By email to: engage@huonvalley.tas.gov.au
- By website: <https://engage.huonvalley.tas.gov.au>

Council will also undertake the following consultation process:

- Provision of media releases on the proposed By-law to the Huon Valley News, Cygnet Classifieds and Dover Bush Telegraph;
- Publication on the Council’s <https://engage.huonvalley.tas.gov.au> webpage;
- Direct Mail contact with the following State Government Agencies that may be impacted by the By-law:
 - Local Government Division, Department of Premier and Cabinet (*Local Government Act 1993*);
 - Department of Police and Emergency Management (*Police Offences Act 1935, Criminal Code 1924 and Litter Act 2007*);
 - Department of Education and local schools;
 - Department of Public Health;
 - Environmental Protection Authority;
 - Department of Primary Industries, Parks, Water and Environment (DPIPWE) (*Environmental Management and Pollution Control Act 1994*).
- Direct Mail contact with the following identified stakeholders that may be impacted by the By-law:
 - Regular holders of user agreements of Council properties including Recreation Clubs and Organisations (includes swimming clubs, football clubs, soccer clubs and cricket clubs);
 - Dog Walker Association and known recreation groups;
 - Council property management committees and advisory committees;
 - Marine facilities user groups;

- Local Rotary, Apex Clubs and lodges;
- Taste of the Huon, Cygnet Folk Festival and Huon Show organising committees/associations, Regatta Associations and Sailing/Yachting Clubs;
- Users of Council's waste management facilities (eg. waste disposal contractors and out of hours users).

Copies of the proposed By-law and regulatory impact statement are available from the Council Office at 40 Main Street, Huonville or on the Council website – www.huonvalley.tas.gov.au, at no cost.

Enquiries in respect to matters of policy and practical application and legal construction may be directed to the Office of General Counsel through legal.pa@huonvalley.tas.gov.au or contact 62640300 who will coordinate a response to you.

Council will take into consideration all submissions properly made to it during the public comment period.

SIGNED

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DATED AT HUONVILLE THIS XXX DAY OF XXXXX 2025