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# REGULATORY IMPACT STATEMENT

## Public Places By-law

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2025

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## BACKGROUND

Sorell Council currently has a Public Places By-law, 1 of 2015. This By-law will expire on 17 June 2025. The proposed Public Places By-law 1 of 2025 is based on the existing by-law, with new provisions to better regulate; overnight RV parking areas, recreational facilities, management of public places, operating recreational vehicles and unattended video or audio recording equipment.

Sorell Council has a large amount of land consisting of; sports grounds, a sports stadium, boat ramps, parks, reserves, public toilets, halls, recreational vehicle parking area, beaches and bushland. The By-law will only apply to Council land or land under Council's control, not private property or Crown Land, unless Council is leasing that land.

Council require the by-law to protect Council assets, public safety, amenity, wildlife and other natural assets on public reserves. Some activities, if unregulated may cause damage to public reserves or create an unacceptable risk to public safety.

Commercial activities on Council land will be restricted to appropriate areas that will not significantly limit the use of Council reserves by the public or create environmental, public safety or environmental risks. Council reserves are primarily for the purpose they were intended and not for commercial activities.

Stakeholder consultation has been undertaken with the following organisations. A summary of feedback is provided below, including recommended changes or inclusions.

Stakeholder	Summary of submission	Response
Campervan and Motorhome Club of Australia (CMCA)	<ol style="list-style-type: none"> <li>1. Definition of wheeled recreation vehicle, may be confusing as it could be interpreted to include a motorhome etc.</li> <li>2. Overnight parking, why is this different to camping? Overnight parking and camping are essentially the same.</li> <li>3. Support charging fees, but this is for camping not parking.</li> <li>4. Support signage, rules must be very specific and clear.</li> <li>5. Overnight parking/camping require fully self-contained vehicles.</li> </ol>	<ol style="list-style-type: none"> <li>1. Definition includes reference to trail bikes, motor bikes &amp; buggies or similar vehicles. Clearly, these are different to motor homes.</li> <li>2. By-law is intended to only apply to habitation of vehicles. The preference is not to refer to camping as this many encourage tents in RV parking areas, which are not appropriate. A definition of camping is required, this is now included.</li> <li>3. Fees will apply to vehicle parking, 'rules of use' will allow for habitation of</li> </ol>

Stakeholder	Summary of submission	Response
		<p>recreational vehicles in this area.</p> <p>4. Agree, signage will be made clear and easy to understand.</p> <p>5. Agree, 'rules of use' will specify that only self-contained vehicles are permitted. The by-law will provide the 'head of power' to make rules enforceable.</p>
<p>Pembroke Park User Group</p>	<p>Submission from Sorell Football Club:</p> <ol style="list-style-type: none"> <li>1. Does the restriction on private functions apply to events at the football club?</li> <li>2. Does the restriction on erecting structures apply to clubs erecting promotional booths when the ground is hired for events?</li> <li>3. Do signage restrictions apply to sponsor signage?</li> <li>4. Do restrictions on organised events apply to clubs with user agreements?</li> <li>5. Distribution of advertising materials, do restrictions apply to clubs?</li> <li>6. Restrictions on collecting money, does this apply to 'gate takings' at sporting events?</li> <li>7. Setting up unattended video equipment, does this apply to fixed security cameras on the club rooms?</li> </ol>	<ol style="list-style-type: none"> <li>1. No, providing functions are within the club rooms and compliant with the user agreement.</li> <li>2. Some structures are permissible if allowed in a user agreement, otherwise approval is required.</li> <li>3. Any advertising in Pembroke Park requires approval.</li> <li>4. Allowed in a user agreement, otherwise approval is required.</li> <li>5. As for 4."</li> <li>6. As for 4."</li> <li>7. As for 4."</li> </ol>
<p>Southern Beaches Landcare Coast Care</p>	<ul style="list-style-type: none"> <li>• Supports the need for the by-law</li> </ul>	
<p>TARFISH</p>	<ul style="list-style-type: none"> <li>• No comments provided</li> </ul>	

## Reasons why the By-law is required

In relation to the specific areas that the by-law regulates, the following information outlines the reasons why the By-law is needed:

- Enable the General Manager to:
  - make rules for the management, control and use of public reserves, recreational facilities and Council land; and
  - Require users of Council facilities or land to sign user agreements;
- Provide the power to close or restrict access to reserves to protect infrastructure or environmental values;
- To ensure that activities do not adversely impact on the reserve, surrounding environment or residents;
- Establish rules of use for overnight recreational vehicle (motor homes and caravans) parking areas and for marine facilities (boat ramps);
- To regulate commercial and sporting activities on Council land to ensure they are safe, well managed and appropriate for that area;
- Protect amenity, infrastructure, wildlife and the environmental values of public reserves;
- Provide controls that protect public safety and privacy in reserves;
- Prevent structures being built or works occurring in public reserves unless approval from Council is given;
- Prohibit activities near children's playgrounds that are not safe or appropriate; and
- Control and restrict the driving and parking of vehicles on reserves;

## OBJECTIVES

The objectives of the By-law are:

- I. To establish controls on the use of Council reserves, parks, sports grounds, stadiums, boat ramps and public buildings to protect these assets from damage;
- II. Regulate activities on Council land, facilities and reserves to protect the natural environment, public safety, wildlife and amenity of patrons and nearby residents;
- III. Enable access to public reserves to be closed or access restricted; and
- IV. Allow members of the public to hire public reserves and facilities for events or activities.

## How will the objectives be achieved?

*Objective 1 – To establish controls on the use of Council reserves, parks, sports grounds, stadiums, boat ramps and public buildings to protect these assets from damage.*

- Establishing 'rules of use' for particular recreational facilities or Council land that minimise the likelihood of damage to Council assets.
- Restricting the playing golf which damages the 'playing surface' of sports fields.
- Control erection of structures, prohibit the removal of trees or plants on reserves to protect environmental values and reduce safety hazards from non-compliant structures.
- Controlling horse riding which may damage the surfaces of reserves.
- Allow the General Manager to establish 'rules of use' for facilities and overnight recreational vehicle parking areas;
- Enable the General Manager to sign user agreements with people or organisations that wish to hire facilities on a short or long term basis. User agreements provide more flexibility than permits and clearly outline responsibilities of each party; and
- Rectification notices can be issued to require damage to be repaired.

*Objective 2 – Regulate activities on Council land, facilities and reserves to protect the natural environment, public safety, wildlife and amenity of patrons and nearby residents.*

- Issuing permits to set controls with respect to health and amenity issues;
- Establish 'rules of use' and specific requirements to control behaviour on Council land for public safety and amenity;
- Prevent overcrowding by limiting public gatherings;
- Restrict activities which create a safety hazard such as golf or hunting;
- Control noise from entertainment or equipment which may cause a nuisance to other patrons or neighbours;
- Enable closure of reserves if a public safety hazard is identified;
- Ensure that the erection of tables, buildings or structures that may create a safety risk are assessed for suitability, before a permit is issued;
- Manage amenity impacts from commercial activities on public reserves;
- Minimise visual impact from signs on public reserves and determine that signage is appropriate and complies with relevant Council policies;
- Restrict activities in playgrounds to only those that are appropriate. Consumption of alcohol and misuse of play equipment are prohibited;
- Restrict driving of vehicles and recreational vehicles on Council land to protect public safety and amenity of other patrons and neighbouring residents;
- Protect natural assets on Council land by prohibiting or restricting activities that may damage these assets or values; and

- Regulate activities at overnight recreational parking areas to reduce amenity impacts and ensure the appropriate storage and disposal of wastewater and solid waste.

*Objective 3 - Enable access to public reserves to be closed or access restricted to reduce damage and protect public safety.*

- Hire agreement will be used to protect assets and enable Council to recover the cost of repairs and maintenance where damage occurs;
- Use of bonds so damaged assets can be repaired; and
- Close reserves and facilities permanently or temporarily to protect public safety, prevent damage to infrastructure and natural assets.

*Objective 4 - Allow members of the public to hire public reserves and facilities for events or activities.*

- Members of the public are able to apply for permits to hire or use public reserves for activities;
- Permits control the type and location of events or activities; and
- Provides certainty for people planning events.

## RESTRICTIONS ON COMPETITION

The By-law has very little impact on restricting competition or the conduct of business. Any person that wishes to establish a business on Council land must apply for a permit. Mobile food businesses, markets, buskers and events typically are a very small part of the overall food business and entertainment market. This By-law will control where business can operate which is much the same as the *Tasmanian Planning Scheme Sorell - 2022* specifying land use zones where business or activities can be conducted.

The impact on competition is minimal, buskers typically wish to perform in public spaces near where people gather. In the case of Sorell Township, this is usually near shopping centres which are not owned by Council and as such, the by-law will not apply. Most Council land in the town area of Sorell, Dodges Ferry, Midway Point or Primrose Sands are normally not desirable places for buskers to play.

There is ample available business zoned land for food vans and other mobile food business to operate in Sorell. The by-law requirement to apply for a permit does not restrict completion, it ensures that the proposed location is safe and suitable. Currently, several vans are operating in Dodges Ferry on this basis. Council is seeking funding to establish a Sorell Community Precinct that includes a space for mobile food business to operate from.

Food business are also able (and currently do) to operate at markets, events and other gatherings within the municipal area on Council and private land.

Including fees for using the overnight recreational parking area is consistent with the *National Competition Policy: Applying Competitive neutrality principles to public camping in Tasmania*.

### ASSESSMENTS OF COSTS VERSUS BENEFITS

Issue	Costs	Benefits
Restriction on where outside dining can occur	Permit fee	Sets standards for appropriate location of outside dining which will protect public safety and amenity
Busking or public entertainment	Permit fee	Will prevent buskers setting up in a location that creates a public nuisance or disturbs the peace. Provides certainty for buskers that they can lawfully perform in a specific area
Mass gatherings in parks and reserves	Permit fee	Sets standards for safe numbers of people that can gather in parks and reserves.  The <i>Public Health Act 1997</i> does regulate larger gatherings of more than 1000 people. However, smaller gathering may still impact on the parks and reserves and create public safety risks. The by-law provides a means of managing these risks to an acceptable level.
Restriction on activities in reserves such as golf, use of bows or arrows, projectiles, cleaning of fish at boat ramps	Nil	Protection of public safety (people injured from golf balls, arrows or projectiles).  Prevent damaged to sporting fields
Flora & fauna habitats damaged	Nil	Protection of wildlife habitat and ecosystems  Prevent damage to trees and preserves visual amenity
Dangerous driving of vehicles and recreational vehicles in reserves	Nil	Protection of public safety by reducing the likelihood of vehicle accidents
Rules of use for overnight recreational vehicle	Daily hire fees	Protection of amenity and public health by controlling waste disposal and noise emissions



Issue	Costs	Benefits
parking and Council facilities.		Facility bookings and 'rules of use' provides certainty for people planning events
Camping on Council land or facilities	Permit fees apply	Controlling camping to designated areas enables amenity, environmental and health impact to be managed.  Parks such as the Dodges Ferry Recreation reserve have particular environmental values that would be damaged by uncontrolled camping.

**ASSESSMENTS OF DIRECT OR INDERECT ECONOMIC, ENVIRONMENTAL OR SOCIAL IMPACTS**

Economic Benefits	Direct	Indirect
	<ul style="list-style-type: none"> <li>Will allow events to take place on Council reserves and facilities which provide economic activity</li> <li>Reduction in damage to Council property will have direct savings for the ratepayers</li> <li>Overnight vehicle parking areas bring visitors to Sorell who patronise nearby businesses</li> <li>User and permit fees provide revenue that can be used to maintain facilities</li> </ul>	<p>Events bring visitors which may have benefits to other businesses in the region</p> <p>Better facilities attract more visitors and residents, which provide opportunities for local businesses</p>
Costs	<ul style="list-style-type: none"> <li>Permit fees</li> <li>Payment of bonds</li> <li>Increased costs for Council to assess applications and enforce the provisions of the By-law</li> </ul>	Increased maintenance costs of Council facilities

Environmental Benefits	Direct	Indirect
	<ul style="list-style-type: none"> <li>Protection of wildlife habitats</li> </ul>	Visual amenity protected

	<ul style="list-style-type: none"> <li>• Reduction of noise and nuisance will benefit people living near reserves</li> <li>• A reduction of dumped litter will reduce environmental harm</li> <li>• Appropriate disposal of wastewater prevents damage to vegetation and soil from chemical, nutrients and salts contained in portable toilets and greywater</li> </ul>	
<b>Costs</b>	Additional visitors and events or commercial activities to reserves may create damage and increase maintenance costs	

<b>Social Benefits</b>	<b>Direct</b>	<b>Indirect</b>
	<ul style="list-style-type: none"> <li>• Improved visual amenity</li> <li>• Reduce disturbance of peace from busking or entertainment</li> <li>• Allow markets, entertainment and cultural events to take place which enhances the community</li> <li>• Reduction in noise and nuisance</li> <li>• Improved public safety</li> </ul>	<p>Social well-being benefits to communities derived from enjoyment of public places</p> <p>Physical and mental health benefits from increasing use of recreational and sporting facilities</p>
<b>Costs</b>	<ul style="list-style-type: none"> <li>• Restrictions on the types of activities that can occur may disadvantaged parts of the community</li> <li>• User fees increase the cost for individuals and organisations that wish to use facilities</li> <li>• Applying for a permit for gatherings on Council land may impact freedom of assembly</li> <li>• Homeless people that may need to camp on Council land would be</li> </ul>	

	<p>disadvantaged. Currently this hasn't been identified as significant problem in Sorell. Most instances have related to people living in Caravans at the RV Park.</p>	
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**SIMILAR LOCAL GOVERNMENT BY-LAWS**

Below is a list of all Council By-laws in Tasmania that regulate similar activities to the proposed Sorell Council Environmental Health By-law:

- *Break O'Day Council – Reserves, Parks and Gardens - expires 22 March 2026*
- *Clarence City Council – Public Places - expires 2 May 2028*
- *Devonport City Council - Reserves, Parks and Gardens - expires 23 January 2027*
- *Hobart City Council - Public Spaces - expires 1 August 2028*
- *Huon Valley Council - Council Land and Recreational Facilities - expires 3 May 2027*
- *Kentish Council - Reserves, Parks and Gardens - expires 5 December 2022*
- *Kingborough Council - Parks, Recreation and Natural Areas expires 25 August 2031*
- *Launceston City Council – Facilities and Highways - expires 23 June 2031*
- *Waratah-Wynyard Council - Highways, Public Reserves, Parking Areas and Stormwater - expires 3 August 2026*
- *West Tamar Council - Reserves, Parks and Gardens - expires 9 March 2031*

**DISCUSSION OF ALTERNATIVES**

**Options**

The following options were considered as alternatives to the Public Places By-law

- *Have no by-law*

From 2010 to 2015, Council lacked a By-law, which was unsatisfactory as it meant Council did not have the authority to prohibit, restrict, or control activities occurring on Council reserves, parks, and buildings. This absence of regulation created situations where Council had no power to prevent public safety risks, control or prevent damage to public reserves, or minimize impacts on community amenity.

- *Street Stall permits under the Vehicle and Traffic Act*

These permits apply only to public streets and therefore cannot regulate activities on Council land. They are more limited in scope, focusing primarily on traffic safety issues.

- *Environmental Management Pollution Control Act 1994*

Can be used to control pollution from activities but it relies on evidence of environmental harm and/or nuisance. The action normally is in response to a complaint and is reactive rather than preventative.

- *Land use Planning and Approvals Act 1993*

Has a limited scope and is specific development and use. The Planning Scheme also exempts activities from requiring a permit that Council wishes to regulate, such as prohibiting damage to trees and conducting events on Council land.

- *Civil agreements for using Council land or facilities*

Only enforceable via court, this is costly and inefficient and doesn't regulate unauthorised activities where agreements don't apply.

- *Police Offences Act 1935*

Includes public order provisions such as unlawful entry to land and premises. However, this is not appropriate for most Council land that is open to the public.

Council Officers are not authorised under this legislation, enforcement is restricted to Police Officers.

- *Public Health Act 1997*

Place of Assembly Licences, only apply to mass gathering over 1000 people for more than 2 hours. The by-law provides power to regulate smaller gatherings. Place of Assembly Licences do not consider the impact that an activity may have on infrastructure or environmental values of the land.

- *Local Government Act 1993*

Enforcement action can be taken for committing a Statutory Nuisance. This is reactive, action is only taken after a nuisance is created. It relies on a person making a complaint. The by-law is more proactive and requires permits for activities. The aim being to reduce the likelihood of a nuisance being created from an activity on Council land.

## ASSESSMENTS OF PUBLIC BENEFIT

The public benefit test assesses whether the benefits outweigh the costs and determine whether a By-law is the most effective option for achieving the objectives.

Residents, visitors and businesses in the Sorell Municipal area will benefit from the implementation of this By-law. It will help protect safety and residential amenity by applying controls on entertainment activities, busking, outside dining, recreational facilities, overnight motor home parking areas, activities in children's playgrounds and the use of Council buildings so that these activities do not create a nuisance or safety risk to the public.

Without these controls it is highly likely that there would be an increase in nuisance complaints from residents and the By-law provides a head of power to take action to prevent or limit nuisances arising.

The benefit from preventing safety hazards and nuisances far outweighs the permit fees that will be charged. Fees will be set by Council each year, as a guide Council fees for the 2024/25 financial year are listed below:

<b>Application type</b>	<b>Fee (\$) 24/25</b>
Street Stall	97 (per month) and 650 (annual)
Busking	7.50 per day and 127.50 (annual)
Dinning in Public Reserve	27 per day and 127.50 (annual)
Public Event	252.50
Erect structure	127.50
Conduct a trade or commerce	252.50 per day 314.50 (per month) and 650 (annual)
Public Places Permit application, not otherwise specified	64

The ability to issue permits for activities provides certainty for event organisers and confidence to the community that activities are safe and appropriate for the location. Where impromptu 'unapproved' events occur the By-law will enable Council staff or Tasmania Police to deal with them more effectively.

Regulation is considered the only feasible option to achieve the By-law's objectives and the By-law has been carefully constructed to ensure it imposes the least regulatory burden on the community as possible.

## PUBLIC CONSULTATION

Following certification of the Regulatory Impact Statement (RIS) further public consultation will occur:

1. Council will publish a notice that it intends to make a new Public Places By-law:
  - a) In the Mercury Newspaper.
  - b) By displaying the notice on the notice board at the municipal offices from the day when the newspaper advertisement is first published until the end of the submission period which is specified in the notice.
  - c) On its Website.
  - d) On its Facebook page.

The notice will state the following:

2. The purposes and general effect of the By-law:
  - i. That a copy of the By-law and of the Regulatory Impact Statement may be inspected at the Council offices until the specified day or downloaded from [www.sorell.tas.gov.au](http://www.sorell.tas.gov.au).
  - ii. That a copy of the By-law and Regulatory Impact Statement may be obtained from the Council offices until the specified day or downloaded from [www.sorell.tas.gov.au](http://www.sorell.tas.gov.au).
  - iii. That submissions in respect of the By-law may be made in writing, addressed to and lodged with the General Manager, stating the grounds of the submission and the facts relied upon to support those grounds.
  - iv. That a submission must be lodged before the specified day.
3. The specified day will be no earlier than 21 days after the publication of the notice in the Mercury Newspaper.
4. The General Manager will make copies of the proposed By-law and the Regulatory Impact Statement is available on Council's website for inspection and/or purchase by the public until the day specified in the notice.
5. Council will consider all submissions made concerning the By-law and, if it decides to make any amendments as a result of any of these submissions; it will do so by absolute majority. Council does not need to give further public notice unless an amendment substantially changes the purpose or effect of the proposed By-law.
6. Council will then pass, by an absolute majority, a resolution to formally make the By-law.

7. The By-law will then be submitted to a legal practitioner for certification, and signed by the General Manager.
8. Council will then cause the By-law to be gazetted within 21 days of being made.
9. Council will also submit the By-law to the Subordinate Legislation Committee within 7 working days of gazettal, and to both Houses of Parliament within 10 sitting days of gazettal.
10. Finally, Council will send to the Director of Local Government a signed, sealed and certified original, together with a statement of purpose and effect and the outcome of public consultation.

Key stakeholders that have been consulted as part of the preparation of the RIS are:

- Campervan and Motorhome Club of Australia (CMCA)
- Pembroke Park Users Group
- Southern Beaches Coast Care Landcare
- TARFISH

## COMMENTS ON THE BY-LAW

Submissions about the By-law and Regulatory Impact Statement may be made in writing, addressed to and lodged with the General Manager, stating the reasons for the submission and the facts relied upon to support those reasons.

The submission must be received before the day specified in the advertisement which is no earlier than 21 days after the publication of the advert in the Mercury Newspaper.

Council will consider all submissions that have been made concerning the By-law and the Regulatory Impact Statement and if it decides to amend the By-law as a result of any of these submissions it will do so by absolute majority. Council does not need to give further public notice unless an amendment substantially changes the purpose or effect of the proposed by-law.

If you make a submission you will be notified of Council's decision in writing.

If you have any questions about the By-law please contact Council's Manager Health and Compliance, Greg Robertson on 📞 (03) 62690041 or email [greg.robertson@sorell.tas.gov.au](mailto:greg.robertson@sorell.tas.gov.au).

Copies of the By-law are available on our website [www.sorell.tas.gov.au](http://www.sorell.tas.gov.au) or from the Council Offices.