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# REGULATORY IMPACT STATEMENT

Roads By-law

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**2026**

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## BACKGROUND TO PRELIMINARY REGULATORY IMPACT STATEMENT

Under Section 156A of the *Local Government Act 1993* ("the Act"), Council is required to prepare a Regulatory Impact Statement ("RIS") when seeking to make a new By-law or significantly amending an existing By-law.

The preparation of a RIS involves Council undertaking an analysis of the following:

- the objectives of the By-law and the means by which the By-law is intended to achieve them;
- the nature of any restriction on competition;
- an assessment of the costs and benefits of any restriction on competition;
- an assessment of the costs and benefits of any impact on the conduct of business;
- any alternative options considered by Council;
- an assessment of the greatest net benefit or least net cost to the community; and
- an assessment of the direct and indirect economic, social and environmental impact of the By-law.

The RIS is to also provide details on the proposed public consultation process.

After the RIS is endorsed by Council, the RIS and the proposed By-law are submitted to the Director of Local Government for assessment. If the Director is satisfied that the RIS meets the statutory requirements, the Director will then issue a certificate, and Council is then permitted to begin the public consultation process.

Pursuant to Section 158 of the Act, copies of the By-law and the RIS are available by contacting Council by any of following means:

Telephone: 6269 0000

Website: [www.sorellcouncil.tas.gov.au](http://www.sorellcouncil.tas.gov.au)

Email: [sorell.council@sorell.tas.gov.au](mailto:sorell.council@sorell.tas.gov.au)

In Person: 47 Cole Street, Sorell, TAS 7172 Monday – Friday 8.00am – 4.30pm

Copies of the documents will be available upon request and can be viewed at the Council Office.

## BACKGROUND

The proposed Local Roads By-Law (No 1 of 2026) has been drafted for the purpose of replacing the Local Roads By-Law 2 of 2015 which expires on 20 January 2026.

The proposed By-law has been made to deal with the existing infrastructure within Council's Road reserves.

## REASONS WHY THE BY-LAW IS REQUIRED

As the road authority, Sorell Council is responsible for managing and maintaining local roads and associated infrastructure. The By-law is necessary to regulate works and activities within the road reserve to ensure safety, protect assets, and maintain infrastructure standards.

### **Key reasons for the By-law include:**

- Protecting public safety by ensuring works are carried out to approved standards;
- Preventing damage to Council and utility infrastructure;
- Avoiding premature asset failure and associated repair costs;
- Reducing environmental harm, including sediment runoff and stormwater pollution;
- Minimising traffic hazards and vehicle damage from substandard access points;
- Preventing flooding caused by blocked or poorly constructed drainage; and
- Controlling the storage of materials on road reserves to avoid safety and pollution risks.

## THE OBJECTIVES OF THE BY-LAW

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

- Protect Council's existing infrastructure within the road reservation by making aware who is responsible to maintain such infrastructure;
- Ensure works undertaken within the road reservation are completed to Council's standards;
- Clarify who is responsible to repair and/or maintain the infrastructure if damaged or altered; and
- Protect public safety by ensuring that works undertaken on Council roads are completed in a safe manner.

The objectives of the proposed By-law are intended to be achieved by:

- Providing for infringement notices to be issued where an offence is committed under the By-Law enabling rectification works and/or a financial penalty;
- Prescribing standards by which works within the road reservation are to be constructed;
- Requiring permits before new driveway crossings are constructed and safety management plans for the proposed works;
- Requiring start work notification before commencement of any works within Council's Road reservation;
- Providing authorised officers with the power to provide direction or give notices in relation to matters arising under the By-law;
- Regulating the use and development of Council's road reservations; and
- Ensuring a safe environment for the public within the road reservation.

## **NATURE OF ANY RESTRICTION OF COMPETITION (Section 156A(2)(b)) AND COSTS AND BENEFITS OF ANY RESTRICTION ON COMPETITION (Section 156A(2)(c)(i))**

The proposed By-law covers issues of regulation and enforcement in relation to the use of Council roads and associated assets. The proposed By-law does not result in any restriction on competition as the By-law only specifies standards of work and what can be located on Council roads. It does not restrict who can undertake the work as long as they are appropriately qualified and experienced.

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

The proposed By-law is expected to have a positive impact on business operations. By placing the responsibility for the repair and maintenance of access infrastructure on developers and property owners, Council's ongoing costs are reduced, easing the financial burden on ratepayers.

Compliance with the By-law ensures that infrastructure within the road reserve is constructed to established standards. This reduces the likelihood of substandard construction and results in long-term benefits for the community through improved asset quality.

In cases where works do not meet Council standards, contractors may be required to rectify or replace the non-compliant infrastructure. This helps ensure that Council assets are safe, durable, and suitable for their intended purpose, thereby maintaining asset integrity and minimising risks.

## **DIRECT/INDIRECT ECONOMIC, SOCIAL & ENVIRONMENTAL IMPACT (Section 156A(2)(f))**

### **Social:**

The By-law promotes safer, higher-quality infrastructure, reducing risks such as vehicle accidents and pedestrian injuries, while providing greater certainty and benefit to the community.

### **Economic:**

While enforcement involves costs, these are offset by permit fees and penalties. Economic benefits include:

- Fewer public liability claims;
- Lower insurance costs;
- Extended infrastructure lifespan; and
- Reduced administrative burden from managing non-compliant works.

### **Environmental:**

Enforcing standards helps control sediment runoff and weed spread, protects sewer systems from damage and pollution, and preserves roadside vegetation, especially mature trees.

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

The By-law delivers the greatest net benefit to the Sorell municipality by ensuring that infrastructure within the road reserve is constructed to Council's required standards. This provides clarity for residents and developers, who will have a clear understanding of their responsibilities, and the quality of work expected.

Installing infrastructure to the correct standard from the outset is significantly more cost-effective than rectifying substandard work. Clear, enforceable standards also help minimise the risk of disputes, which can be both time-consuming and expensive to resolve.

Moreover, infrastructure constructed to Council standards is more likely to achieve its intended asset life, reducing the need for premature replacement or repairs. This results in long-term savings for Council and ensures efficient use of public resources.

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

Council considered several legislative alternatives but found none provided the necessary authority to effectively manage and enforce standards for works within the road reserve.

- **No By-law:** Previously in place but inadequate — Council lacked control over unauthorised or substandard works.
- **Local Government (Highways) Act 1982:** Limited to subdivisions; does not cover general works or repairs.
- **Traffic Act 1925 & Vehicle and Traffic Act 1999:** Deal with vehicle use and permits but not construction standards.
- **Roads and Jetties Act 1935:** Applies mostly to State highways; limited provisions for regulating road reserve works.
- **Land Use Planning and Approvals Act 1993:** Applies only where a permit is required—many works fall outside its scope.
- **Building Act 2016:** Covers on-property works only; does not apply to road reserves.

#### Conclusion:

None of the above options provide the comprehensive authority and clarity offered by the proposed By-law. It is the only mechanism that enables Council to enforce consistent standards and manage infrastructure within the road reserve effectively.

### PUBLIC CONSULTATION PROCESS (Section 156A(2)(g))

Following certification of the RIS by the Director of Local Government under section 156A(6) of the Act, Council will undertake public consultation, including direct communication with key stakeholders such as the Department of Police, Fire and Emergency Management.

A public notice of Council's intention to make the Local Roads By-law will be published:

- In *The Mercury* newspaper;
- On Council's website and Social Media pages; and
- On the noticeboard at the Council offices.

The notice will include:

- The purpose and general effect of the By-law;
- Availability of the draft By-law and RIS at Council offices and online; and
- Instructions for making written submissions to the General Manager, including required content and deadline.

Submissions must be received within at least 21 days of the notice's publication date.

Council will consider all submissions received. If amendments are made in response, they will be adopted by absolute majority. Further public notice is only required if amendments significantly alter the By-law's intent or effect.

Following consultation, the By-law will:

1. Be adopted by Council resolution (absolute majority);
2. Be certified by a legal practitioner and signed by the General Manager;
3. Be published in the Government Gazette within 21 days;
4. Be submitted to the Subordinate Legislation Committee (within 7 working days of gazettal) and both Houses of Parliament (within 10 sitting days); and
5. Be forwarded to the Director of Local Government with required documentation, including consultation outcomes.

Submitters will be notified of Council's decision in writing.

**Enquiries:** Contact Julie Mann, Manager Infrastructure and Assets, on (03) 6269 0052 or email: [julie.mann@sorell.tas.gov.au](mailto:julie.mann@sorell.tas.gov.au).