

REGULATORY IMPACT STATEMENT
DEVONPORT CITY COUNCIL
PARKING BY-LAW NO 1 of 2026

1. Purpose of Regulatory Impact Statement

- (1) Section 156A of the *Local Government Act 1993* (**Act**) requires a Regulatory Impact Statement (**RIS**) is prepared when a Council seeks to make a by-law.
- (2) The purpose of this RIS is to address the information required by section 156A(2) of the Act in respect to the proposed Parking By-Law Number 1 of 2026 (**By-law**) which Council intends to make.
- (3) The preparation of a RIS is a rigorous process aimed at analysing the most efficient and effective options available to address and control a particular issue and avoiding unnecessary regulation.
- (4) The RIS identifies whether the benefits of regulation outweigh the costs of a restriction on competition and the impact on business imposed by the By-law. It does so by undertaking an assessment of the direct and indirect social, economic and environmental impacts of the proposed By-law and alternatives considered.

2. Executive Summary on Compliance

- (1) To assist with assessing compliance of this RIS with section 156A(2) of the Act, this RIS is structured to address each matter required to be considered before Council makes the proposed By-law.
- (2) The following table identifies where each statutory requirement is addressed in this RIS and summarises Council's conclusion in respect of each matter:

Section in RIS	RIS requirement	Council's conclusion
Error! Reference source not found.	Objectives of the By-law and means of achieving them	The By-law provides a clear, targeted mechanism to regulate Council-owned or controlled parking areas, manage abandoned vehicles on roads or in public places, and specify prescribed penalties under the LGH Act.
Error! Reference source not found.	Nature of any restriction on competition	The By-law is unlikely to restrict competition. Any minor impact on limited commercial activity within Council car parks is uniform, non-discriminatory and justified by public safety, amenity and environmental objectives.
Error! Reference source not found.	Costs and benefits of restrictions on competition and business impacts	The benefits of orderly, safe and accessible parking management outweigh the limited costs imposed on users and businesses.
Error! Reference	Alternatives considered	Council considered non-regulatory and partial regulatory alternatives but considers the proposed

source not found.		replacement By-law to be the most effective and least burdensome option.
Error! Reference source not found.	Greatest net benefit or least net cost to the community	The By-law provides the greatest net community benefit because it enables consistent enforcement, supports parking turnover, maintains public amenity and limits regulatory burden.
Error! Reference source not found.	Direct and indirect economic, social and environmental impacts	The By-law has positive economic, social and environmental impacts, with manageable costs and safeguards to reduce disproportionate impacts.
Error! Reference source not found.	Public consultation process	Council will consult in accordance with statutory requirements and provide accessible opportunities for public inspection, purchase, review and comment.

3. **Background**

- (1) The By-law has been developed to repeal Devonport City Council's (**Council**) existing Parking By-law No. 1 of 2023, which was made under section 145 of the Act for the purpose of managing and controlling parking in the municipal area of Devonport (**City**).
- (2) Section 145 of the Act confers power on a Council to make by-laws in respect of any act, matter of thing for which a Council has a function or power under the Act, or any other Act.
- (3) Section 170(1) of the Act expressly confers power on a Council to make by-laws in respect of the parking of vehicles on land owned by it or under its control, therefore anticipating that a by-law will be created for this purpose.
- (4) Section 100(4) of the *Local Government (Highways) Act 1982* (**LGH Act**) establishes that the prescribed penalty for an infringement notice issued for an offence under section 97, 98 and 99 of the LGH Act is the sum specified in a Council's by-law, therefore anticipating that a by-law will be created for this purpose.
- (5) The By-law is both necessary and desirable, as it provides for the day to day control and management of the parking of vehicles and other activities on land owned by or under the control of Council and designated as a parking area. It applies only to those people that choose to either utilise or remain in Council owned or controlled car parks.
- (6) The By-law:
 - (a) regulates and controls the use of car parks belonging to or controlled by the Council;
 - (b) regulates and controls abandoned vehicles on roads and in public places belonging to or controlled by the Council;

- (c) establishes the prescribed penalties for offences under sections 97, 98 and 99 of the LGH Act;
 - (d) provides for the safety and welfare of those people using the car parks;
 - (e) develops measures aimed at maintaining the integrity of the car parking facility itself; and
 - (f) regulates conduct in car parks; and
 - (g) ensures that vehicle owners comply with signage and markings for the benefit of all other users of the car park.
- (7) The By-law is designed to protect users of the car parks and their vehicles from damage due to inappropriate activities and behaviour occurring.
 - (8) There is no existing State legislation that appropriately deals with issues relating to Council owned or controlled car parks.
 - (9) The By-law is necessary to ensure Council continues to provide a high standard of parking facilities for the benefit of residents, visitors and businesses in the City.
 - (10) Section 100(4) of the LGH Act provides that the prescribed penalty for an infringement notice issued for an offence under section 97, 98 or 99 of the LGH Act is the sum specified in by-laws of the corporation of the municipal area in which the relevant parking space is situated.
 - (11) As a consequence of section 100(4) of the LGH Act, Council must create a by-law which specifies the penalty amounts in order to issue infringement notices under section 97, 98 or 99 of that Act.
 - (12) The controls relating to abandoned vehicles are intended to support Council's management of roads, public places and land under its ownership or control. These control measures are directed to addressing safety, obstruction, amenity and environmental risks associated with vehicles which are abandoned. The control measures are intended to ensure that any action taken is confined to matters within Council's functions and powers and which are proportionate to the circumstances.

4. Objects of the By-law and Means by which they are Intended to be Achieved (section 156A(2)(a))

- (1) The objects of the By-law are to:
 - (a) control and regulate the parking of vehicles in Council's car parks;
 - (b) control and regulate or prohibit certain activities in Council's car parks;
 - (c) ensure the safety of users in Council's car parks;
 - (d) control and regulate abandoned vehicles on roads and in public places belonging to or controlled by the Council; and
 - (e) specify the sum for the prescribed penalties for an infringement notice issued pursuant to sections 97, 98 or 99 of the LGH Act.
- (2) The objectives are intended to be achieved by the By-law:
 - (a) providing control measures in relation to the control of parking and conduct within a car park;
 - (b) implementing control measures for abandoned vehicles, including conferring powers of removal upon the Council;

- (c) providing for infringement notices to be issued where an offence is committed under the By-law; and
- (d) prescribing infringement notice penalties under the LGH Act.

5. Nature of any Restriction on Competition (section 156A(2)(b))

- (1) The By-law is unlikely to restrict competition. It applies only to Council owned or controlled car parks and does not regulate privately owned car parks.
- (2) The By-law may have a minor impact on limited commercial activity by prohibiting the distribution of advertising material within Council's car parks.
- (3) Whilst this may impact on business, the impact is likely to be minimal and does not represent a restriction on competition, as:
 - (a) the prohibition applies uniformly to all persons;
 - (b) is confined to Council controlled or owned car parks;
 - (c) does not prevent businesses from advertising through other channels; and
 - (d) is directed to legitimate public amenity, safety and litter management objectives and practices under the *Litter Act 2007*.
- (4) There are privately owned car parks within the municipality. These private car parks are generally associated with specific businesses and are aimed at providing parking for patrons of those businesses. The By-law will not impact on private car parks as it applies only to Council owned or controlled car parks.
- (5) To the extent that the By-law affects business activity, the impact is proportionate and justified. The orderly management and regulated use of Council owned car parking supports turnover of parking spaces, improves access to commercial precincts, promotes safe and accessible use of Council car parks, and benefits local businesses by improving customer access. Council considers that these benefits outweigh the minimal and incidental impact on commercial activity.

6. Assessment of the Costs and Benefits (section 156A(2)(c))

- (1) The following is an assessment of the costs and benefits of any restriction on competition, as required by section 156A(2)(c)(i):

Issue	Costs	Benefits
Prohibition of commercial activity	1. Limits locations where the distribution of advertising material may occur but applies uniformly and therefore avoids discrimination 2. May limit participation (effect on business, potential businesses and users)	1. Ensures compliance from car park users; 2. Management of vehicle turnover enhances trading in the commercial areas of the city; 3. Improves and maintains safety standards; 4. Allows accessibility for all; 5. Assists in minimising the financial burden on ratepayers; 6. Provides revenue, which allows for continued provision of Council services; 7. Provides employment and personal development opportunities for employees.

- (2) The following is an assessment of the costs and benefits of any impact on the conduct of business from the By-law, as required by section 156A(2)(c)(ii):
- (a) Council's car parks provide a significant benefit for businesses in the City as they provide a service to businesses located within the CBD through the provision of easy access to parking for potential customers of these businesses.
 - (b) The By-law will have a minor impact on business by the prohibition on the distribution of advertisements, but not to a significant extent. Prohibiting the distribution of advertisements will not affect a person's general right to advertise to any discernible extent.
 - (c) The By-law ensures that infringement penalty amounts are contemporary and provide an incentive for motorists to adhere to parking restrictions that are aimed at providing orderly parking and ensuring a reasonable turnover of car parking spaces.
 - (d) The By-law will enable the Council to provide parking for:
 - (i) particular classes of vehicles;
 - (ii) elderly people; and
 - (iii) people with accessibility issues.
 - (e) Council considers the benefits of the impact on business will outweigh the cost.

7. **Discussion of Alternatives (section 156A(2)(d))**

- (1) Council has considered whether the objectives of the By-law could be achieved through alternatives to a replacement by-law. Those alternatives are summarised as follows:
 - (a) Status quo / no replacement By-law: this option would involve allowing the existing regulatory framework to expire or operate without a contemporary replacement. Council does not consider this appropriate because it would reduce the clarity and consistency of parking controls and may compromise Council's ability to support effective enforcement and specify penalty provisions where required.
 - (b) Administrative signage and car park management: Council could seek to manage its car parks through signage, operational procedures and voluntary user compliance. Council does not consider this appropriate as signage alone does not provide controls or an enforcement framework or prescribed penalties for relevant offences.
 - (c) Community education and voluntary compliance: Council could rely on public education around parking controls, guidance and voluntary user compliance. Council does not consider this appropriate as it does not adequately address non-compliance, unsafe conduct, obstruction, misuse of parking spaces or abandoned vehicles.
 - (d) Reliance on State legislation: Council has considered whether the existing regulatory framework within State legislation is sufficient. While the existing legislative controls provide some relevant powers, it does not provide a complete and tailored framework for:
 - (i) regulating Council owned or controlled car parks;
 - (ii) specifying prescribed penalties required for infringement notices pursuant to the LGH Act; and
 - (iii) effectively control abandoned vehicles.
 - (e) Targeted amendment rather than replacement By-law: Council considered whether limited amendments to the existing by-law would be sufficient. A replacement by-law is preferred because it provides contemporary controls for Council car parks and abandoned vehicles which did not exist in the existing by-law.
- (2) Council considers a replacement By-law is the most practical, proportionate and effective option. It retains the benefits of a long-standing parking management framework while updating the regulatory approach to reflect current operational needs, payment systems, enforcement practices and community expectations.
- (3) Council considers there are no other comparable options. There is an ongoing demand for parking in the City. Regulation is essential to provide a consistent service within the City.
- (4) A parking by-law has been in force for over 23 years in the City, and it has operated effectively. As such, repealing and implementing a new parking by-law is in fact maintaining the status quo. The By-law continues to be in the public interest as it will ensure that car parking facilities can be used in a controlled and orderly manner.

- (5) There are currently no suitable legislative provisions in relation to regulating and controlling abandoned vehicles by Council officers.
- (6) Section 100(4) of the LGH Act expressly states that the prescribed penalty for an infringement notice issued for an offence under sections 97, 98 or 99 is the sum specified in a by-law. There is no alternative option.

8. Assessment of the Greatest Net Benefit or Least Net Cost to the Community (section 156A(2)(e))

- (1) The public benefit test assesses whether the benefits outweigh the costs and determines whether a by-law is the most effective option for achieving the objectives.
- (2) Council considers that the By-law provides the greatest net benefit, or least net cost, to the community because it is targeted to identified parking management issues and imposes obligations only on persons who use, occupy or engage in regulated conduct within Council owned or controlled car parks, roads and public spaces.
- (3) Residents, visitors and businesses in the City will benefit from the implementation of this By-law, as the By-law:
 - (a) allows Council to maintain its car parking facilities in a safe, clean and orderly manner;
 - (b) supports community access to parking by encouraging turnover of car parking spaces and improves compliance with time limits and parking conditions. The consequence is ratepayers, visitors, workers and businesses have improved availability and reliability of parking in commercial locations;
 - (c) implements controls for Council around the management and removal of abandoned vehicles; and
 - (d) establishes the prescribed penalties for offences under sections 97, 98 and 99 of the LGH Act.
- (4) The user pays system implemented by the By-law ensures that people utilising Council's car parks contribute to the costs of having and maintaining such facilities, rather than imposing a charge as part of the rates. The user pays system imposes the cost of providing car parking on all who visit the City, not just on ratepayers.
- (5) The By-law will ensure that people using Council's car parks are provided with a safe and regulated environment to park their vehicles. This provides community expectations and a level of confidence in the service provided by the Council.
- (6) The By-law is the only practical method which allows Council to impose infringement notice penalties for breaches of the By-law. Infringement notices act as a deterrent for undesirable behaviour and reduce the incidence of such behaviour occurring in Council's car parks.
- (7) 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.
- (8) Council believes the By-law serves the public interest as it targets issues that are not otherwise addressed by regulation in a proportionate and effective manner.

- (9) The By-law limits regulatory burden as it only applies to Council owned or controlled car parks, and does not apply to private car parks, nor does it impose general restrictions on business activity across the municipality.
- (10) Council considers that the costs associated with administration, enforcement, technology, complaints and possible disputes are outweighed by the public benefits of improved parking turnover, safer parking facilities, environmental protection, fairer cost recovery and reduced burden on ratepayers.

9. Assessment of Direct and Indirect Economic, Social and Environmental Impacts (section 156A(2)(f))

- (1) The following is Council's assessment of the economic impacts:

	Direct	Indirect
Benefits	1. Revenue from car parking facilities provides opportunities for Council to maintain its existing facilities and complete projects across the City and subsidises the cost to its ratepayers; 2. Creates cheaper parking alternatives; 3. Increased access to businesses for shoppers; 4. Reduction of collection, counting, banking and security costs associated with cash due to increased electronic payment options; and 5. Identify unpaid parking more efficiently, increasing compliance and revenue.	1. The City is the major economic area in the eastern end of the North West Coast. As such, the economic benefit of this By-law reduces the burden on Council's ratepayers through implementation of a "user-pays" system; 2. Easier payment and enforcement can increase parking space availability, benefitting businesses.

	Direct	Indirect
Costs	1. The penalty amounts specified in the By-law are intended to be proportionate, contemporary and sufficient to encourage compliance with the parking controls in the By-law. In setting the penalty amounts, Council has sought to balance deterrence, fairness and administrative efficiency. 2. The penalties are not intended to be punitive beyond what is necessary to promote compliance and recover the reasonable costs associated with parking management and enforcement. 3. Infringement notices are a less costly, more efficient enforcement mechanism compared to prosecution. The By-law preserves the rights of recipients to seek review or respond in accordance with the law. 4. Employment costs for Council employees to manage parking facilities; 5. Administration costs associated with implementing the By-law; 6. Procurement costs and subscription fees for car parking software; 7. Camera and asset replacement; 8. Legal and compliance costs associated with infringement notices and appeals; and 9. Where abandoned vehicles are removed by Council, the costs incurred as a result of that process.	1. Older residents may find app-based payment systems more difficult to use; 2. Potential legal disputes from vehicle owners; 3. Reputational risks if actions are perceived as unfair or inconsistent; and 4. Administrative burden associated with vehicle owners experiencing hardship.

(2) The following is Council's assessment of the environmental impacts:

	Direct	Indirect
Benefits	1. Prohibition of distribution of advertising material helps prevent littering; 2. To the extent that parking penalties may discourage people parking in the City, there may be positive environmental impacts by way of people utilising alternative transport options including walking, riding or public transport; 3. Reduced material consumption (meters, machines, ticket rolls, batteries, replacement parts etc) from the implementation of modern technology; 4. Removal of vehicles leaking oil, fuel, coolant, battery acid and other contaminants and risk of soil and stormwater pollution; 5. Safety of road users from vehicles obstructing visibility; and 6. Abandoned vehicles will be removed from roads and public places.	1. Tidier community facilities; 2. Reduced searching and queuing for a car park may decrease consumption and greenhouse gas emissions; and 3. Improved environmental outcomes in parks, waterways and coastal areas where abandoned vehicles can become pollution sources.
Costs	1. Exhaust emissions from vehicles; 2. Waste from public facilities; 3. Cloud based technology systems consuming electricity and generating emissions; and 4. End of life disposal of equipment.	1. More efficient parking management may encourage driving over alternate transport modes.

(3) The following is Council's assessment of the social impacts:

	Direct	Indirect
Benefits	1. Safety for users is increased through greater regulation and control measures; 2. Affordable and accessible parking for everyone; 3. Reduction of incidents of anti-social behaviour and unwanted activities in car parks as fines can be issued; 4. Improved public safety through removal of vehicles that obstruct sightlines, footpaths, cycleways or access points; 5. Reduced opportunities for vandalism, arson and anti-social behaviour in car parks and of abandoned vehicles on Council's roads and in public places; and 6. Enhanced community amenity and neighbourhood appearance from the removal of abandoned vehicles.	1. The community as a whole benefits as the City car parking facilities are safer, affordable to visit and easy for people with disabilities to access. These benefits make the City more enjoyable to visit; 2. Assists Council achieve its strategic aims for the City as By-law is consistent with future parking strategies; 3. Increased public confidence in Council's ability to manage public spaces; 4. Improved perceptions of safety in neighbourhoods and commercial precincts where abandoned vehicles are removed; and 5. Reduced community complaints and service requests.
Costs	1. Technology failures can deter payment or enforcement verification; 2. Community dissatisfaction where abandoned vehicles are removed unexpectedly; and 3. Complaints, appeals and disputes requiring staff resources.	1. Minimal new or additional regulation which must be complied with; 2. Disproportionate impacts on elderly, low-income residents; and 3. Potential perception of overreach if safeguards are not clearly established

10. **Proposed Public Consultation Process (section 156A(2)(g))**

- (1) Following certification of the RIS from the Director, Council will undertake public consultation as follows:
 - (a) copies of the RIS and proposed By-law will be available for public inspection or purchase and displayed on Council's website;
 - (b) with Tasmania Police by copies of the proposed By-Law being sent to relevant stakeholders for their review and comment;
 - (c) by giving public notice in accordance with section 157(1A) of the Act and regulation 43 of the *Local Government (General) Regulations 2025* of the proposed By-Law;

- (i) once in 'The Advocate' newspaper;
 - (ii) by displaying the notice on the notice board at the Council Offices from the day on which the newspaper advertisement is first published until the end of the submission period which is specified in the notice; and
 - (iii) on Council's website.
- (d) by publicly advertising the proposed By-law in media articles, press releases, on Council's website and in social media posts.

11. Conclusion

- (1) Having considered the objectives of the By-law, the costs and benefits of regulation, the alternatives available, likely economic, social and environmental impacts, and the proposed consultation process, Council considers the By-law is necessary, proportionate and in the public interest.
- (2) The By-law provides a clear and targeted regulation and control framework for managing Council car parks, supporting parking turnover, maintaining safety and amenity, addressing abandoned vehicles, and specifying prescribed penalties required for effective enforcement of the By-law.
- (3) Council considers the public benefits of the By-law outweigh its limited costs and that the By-law represents the greatest net benefit, or least net cost, to the community.