

1 PURPOSE

To establish a framework for the administration of a number of Council's regulatory powers, namely:

- Handbills/Posters
- Loading Zone Permits
- Overhanging vegetation
- Parking Permits – Reservation of Bays
- Parking Permits for Service Vehicles
- Regulatory Orders – Cyclone Hazards & Poultry

2 SCOPE

To provide guidance to the public and staff in respect to Council's regulatory activities.

Council has the power to make by-laws and issue regulatory orders for the good governance of the Council area and to protect the area from natural or other hazards and to mitigate against the effects of such hazards.

Darwin City Council By-Laws 1994 cover such functions as animal management, public places activities, Council meeting procedures and facilities management whilst regulatory orders relate to visual pollution, mitigation of hazard or nuisance and animal management. This policy deals with specific regulatory activities in public places not addressed by other policies and with Council's use of regulatory orders on private property.

3 POLICY STATEMENT

3.1 HANDBILLS/POSTERS

Persons, private companies or organisations may obtain permits to distribute handbills/posters in the municipality pursuant to City of Darwin By-Law No. 97. Permits for the distribution of handbills and posters are subject to conditions included on the permit. Permits may require payment of a fee to provide for litter control if necessary. Permit fees will be set with Council's annual fees and charges.

3.2 LOADING ZONE PERMITS

Loading zone permits may be issued to those persons who have a need to service business premises from loading zones, but do not own a commercial vehicle as defined in the Northern Territory Traffic Act and Regulations. Permits are subject to conditions printed on/issued with the permit. Permit fees will be set with Council's annual fees and charges.

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3.3 PARKING PERMITS – RESERVATION OF BAYS

Permits for reservation of parking bays within the Municipality will be issued only for commercial vehicles and subject to conditions printed on the permit. Permits for vehicles other than commercial may be granted in exceptional circumstances at the discretion of the Chief Operating Officer or General Manager Community and Regulatory Services. Permit fees will be set with Council's annual fees and charges.

3.4 PARKING PERMITS FOR SERVICE VEHICLES

Parking permits for on-street parking of service vehicles will be issued only for the installation/maintenance or emergency repair to any plant and equipment belonging to a customer of that business/company or firm. Permits are subject to conditions printed on the permit. Permit fees will be set with Council's annual fees and charges.

3.5 OVERHANGING VEGETATION

Council will recover costs from the property owner for pruning of vegetation which overhangs the road reserve or walkway when the owner/occupier has not complied with Council's written request to remove the overhanging vegetation within the elapsed time indicated in Council's request.

Regulatory Orders

Regulatory Orders may be issued requiring an owner or occupier of land to:

- (a) remove or mitigate a hazard, nuisance or potential hazard or nuisance.
Examples of such orders include where Council might require an owner or occupier of land to:
 - (i) clear away objects or materials that could prove hazardous to neighbours during a cyclone
 - (ii) cut back overhanging vegetation
 - (iii) fence the land to prevent animals from running out from the land across a road, or
 - (iv) construct drains to prevent water from the land draining across an adjoining road.

- (b) take action to remove or mitigate a hazard or nuisance in respect of an animal or an activity involving an animal.
Examples of such orders include where Council might require an owner or occupier of land to:
 - (i) reduce the number of cats kept on a property;
 - (ii) reduce noise or odours, including but not only noise or odours arising from the keeping of poultry;
 - (iii) destroy a dangerous animal that cannot be adequately controlled in its current location; or
 - (iv) require re-location of slaughtering activities to a place where they are less likely to cause offence or a risk to the health of others.

Council will respond to complaints from residents or appropriate organisations in relation to hazards and potential hazards as and when they arise. In determining whether to issue a regulatory order Council will take into account individual circumstances, alternatives, resources and priorities of Council.

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4 DEFINITIONS

Nil

5 LEGISLATIVE REFERENCES

Darwin City Council By-Laws 1994
Local Government Act 2008 (NT)
 Part 13.2 Regulatory Orders
Traffic Act 1987 (NT)
Traffic Regulations 1999 (NT)

6 PROCEDURES / RELATED DOCUMENTS

City of Darwin 0085.100.E.R Compliance and Enforcement Policy

7 RESPONSIBILITY / APPLICATION

The General Manager Community and Regulatory Services is responsible for managing implementation of this policy.

This policy should be reviewed once in the term of each Council or more often as required.

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