

Business Papers

City Operations Committee Meeting

Wednesday, 23 May 2018
5.30pm





Notice of Meeting

To the Lord Mayor and Aldermen

You are invited to attend a City Operations Committee Meeting to be held in Meeting Room 1, Level 1, Civic Centre, Harry Chan Avenue, Darwin, on Wednesday, 23 May 2018, commencing at 5.30pm.

Diana Leeder

DR DIANA LEEDER
CHIEF EXECUTIVE OFFICER

CITY OF DARWIN

CITY OPERATIONS COMMITTEE MEETING

WEDNESDAY, 23 MAY 2018

MEMBERS: Member R Want de Rowe (Chair); The Right Worshipful, The Lord Mayor, K Vatskalis; Member R M Knox; Member E L Young.

OFFICERS: Chief Executive Officer, Dr D Leeder; Acting General Manager City Operations, Mrs N Nilon; Manager Design, Development & Projects, Mr D Lelekis; Manager Infrastructure Maintenance, Mr R Quinn; Manager Capital W Works, Mr N Kleine; Executive Assistant, Ms J Wylie.

Enquiries and/or Apologies:

E-mail: j.wylie@darwin.nt.gov.au - PH: 89300 581
OR Phone Meeting Room 1, for Late Apologies - PH: 89300 519

Committee's Responsibilities

THAT effective as of 26 September 2017 Council, pursuant to Section 32 (2)(b) of the Local Government Act, hereby delegates to the City Operations Committee the power to make recommendations to Council and decisions relating to City Operations matters within the approved budget:

- | | |
|--|---|
| <ul style="list-style-type: none"> • Asset Management • Building Services • Capital Works • Civil Works • Design • Development | <ul style="list-style-type: none"> • Fleet/Workshop • Operations Administration & Stores • Parks & Reserves • Waste Management • Public lighting |
|--|---|

OPEN SECTION

OPERATIONS 5/4



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City Operations Committee Meeting – Wednesday, 23 May 2018

1. MEETING DECLARED OPEN

2. APOLOGIES AND LEAVE OF ABSENCE

Common No. 2695036

2.1 Apologies

2.2 Leave of Absence Granted

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- A. THAT it be noted Member K Vatskalis is an apology due to a Leave of Absence previously granted on 17 May 2018 for the period 21 May to 4 June 2018.

DECISION NO.22\() (23/05/18)

3. ELECTRONIC MEETING ATTENDANCE

Common No. 2221528

3.1 Electronic Meeting Attendance Granted

4. DECLARATION OF INTEREST OF MEMBERS AND STAFF

Common No. 2752228

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S

Common No. 1955119

5.1 Confirmation of the Previous City Operations Committee Meeting Minutes

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COMMITTEE'S DECISION

THAT the Committee resolve that the minutes of the previous City Operations Committee Meeting held on Wednesday, 18 April 2018, tabled by the Chair, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.22\() (23/05/18)

OPEN SECTION

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City Operations Committee Meeting – Wednesday, 23 May 2018

5.2 Business Arising

6. DEPUTATIONS AND BRIEFINGS

7. CONFIDENTIAL ITEMS

Common No. 1944604

7.1 Closure to the Public for Confidential Items

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COMMITTEE'S DECISION

THAT pursuant to Section 65(2) of the Local Government Act and Regulation 8 of the Local Government (Administration) Regulations the meeting be closed to the public to consider the following Items:-

<u>Item</u>	<u>Regulation</u>	<u>Reason</u>
C17.1.1	8(e)	information provided to the council on condition that it be kept confidential

DECISION NO.22\() (23/05/18)

7.2 Moving Open Items Into Confidential

7.3 Moving Confidential Items Into Open

8. WITHDRAWAL OF ITEMS FOR DISCUSSION

()

COMMITTEE'S DECISION

THAT the Committee resolve under delegated authority that all Information Items and Officers Reports to the City Operations Committee Meeting held on Wednesday, 23 May 2018 be received and considered individually.

DECISION NO.22\() (23/05/18)

OPEN SECTION

OPERATIONS5/8

City Operations Committee Meeting – Wednesday, 23 May 2018

9.1 OFFICERS REPORTS (ACTION REQUIRED)



ENCL:
NO CITY OPERATIONS COMMITTEE/OPEN

AGENDA ITEM: 9.1.1

TREES IN THE DARWIN MUNICIPALITY - UPDATE

REPORT No.: 18CO0020 NK:jh COMMON No.: 3777063

DATE: 23/05/2018

Presenter: Manager Capital Works, Nik Kleine

Approved: Acting General Manager City Operations, Nadine Nilon

PURPOSE

The purpose of this report is to inform Council of progress to date on a range of issues associated with the effects of Tropical Cyclone Marcus on City of Darwin tree assets throughout the municipality.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

Goal

2 Vibrant, Flexible and Tropical Lifestyle

Outcome

2.2 A sense of place and community

Key Strategies

2.2.3 Improve the landscaping, streetscape, infrastructure and natural environment

KEY ISSUES

- Council has requested information on a range of issues resulting from Tropical Cyclone Marcus that will take time to fully explore.
- The aspects raised by Council are addressed within this report, with a number of these able to be resolved.
- Collection of information on the species of trees that were uprooted or damaged in the cyclone is complete and will be presented in a future report.
- A survey to identify trees in parks in close proximity to private property and powerlines requires allocation of funds.
- A panel of local experts is recommended to guide the selection of tree species and planting requirements for City of Darwin and the broader community. This requires Council's direction.
- Formal approaches requesting salvage and reuse of timber will be assessed on merit.

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 SUBJECT: TREES IN THE DARWIN MUNICIPALITY – UPDATE

RECOMMENDATIONS

THAT it be a recommendation to Council:-

- A. THAT Report Number 18CO0020 NK:jh entitled Trees In The Darwin Municipality - Update, be received and noted.
- B. THAT Council commence the survey of trees located in close proximity to property and power lines.
- C. THAT Council refer the amount of \$160,000 for survey of trees located in close proximity to property and power lines to the fourth quarter budget review for the survey of trees that have the potential to impact on private property and or powerlines as identified in Report Number 18CO0020 NK:jh entitled Trees In The Darwin Municipality - Update.
- D. THAT Council endorse the establishment of a panel of experts to recommend future tree species selection and planting requirements as identified in Report Number 18CO0020 NK:jh entitled Trees In The Darwin Municipality - Update.
- E. THAT Council endorse proceeding with Option 2, being that on completion of the clean-up, Council calls for expressions of interest for parties to collect salvaged timber, within specified timeframes and at no cost to Council as outlined in Report Number 18CO0020 NK:jh entitled Trees In The Darwin Municipality – Update.

BACKGROUND

At the Ordinary Council meeting on 27 March 2018, Council resolved:

DECISION NO.22\0592 (27/03/18)

Dangerous Trees in the Darwin Municipality

Common No. 3777063

- A. *THAT Council considers the issue of potentially dangerous trees that are planted throughout the City of Darwin Municipality, and in particular the trees that have come down during recent significant weather events and develop a plan to manage these trees.*
- B. *THAT the report include but not be limited to:*
 - *A report to be provided to Council regarding the kind of trees that have been damaged /uprooted in recent events ranked by (generic) species.*
 - *Inspection of Council parks to identify trees planted in close proximity to private property and /or powerlines that have the potential to cause damage and /or injury if/when they come down.*

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 SUBJECT: TREES IN THE DARWIN MUNICIPALITY – UPDATE

- *A plan for the removal and possible costing to be provided to Council regarding specifically these trees.*
- *A review of our parks to identify number and species of trees that may come down in a future weather event as it has happened in the recent past.*
- *An investigation is undertaken to identify, in consultation with local experts, suitable species of trees mainly native to the top end areas with high rainfall and cyclonic conditions to be used in the future for landscaping.*
- *A review of the list trees suitable to areas prone to cyclones been undertaken to ensure that all trees that are removed are replaced with suitable trees.*
- *Potential for salvage from fallen trees*
- *The issue of maintaining trees to reduce load so that they remain safe in high winds*

C. *THAT a follow up report from Cyclone Marcus be presented to Council, including consideration of effects on vegetation.*

Tropical Cyclone Marcus was a category 2 tropical cyclone that impacted Darwin on 17 March 2018. Sustained winds of 95 kilometres per hour were experienced with gusts of more than 135 kilometres per hour recorded. The storm passed directly over the Darwin municipality and its effects were wide spread across the Darwin, Palmerston and Litchfield areas.

This report provides an update on the progress of the report and issues requested by Council for investigation.

DISCUSSION

In order to address Council's decision, a number of activities are required. This report provides an update of activities undertaken to date and a plan for future activities subject to funding, as outlined within Council's decision on 27 March 2018.

1. *A report to be provided to Council regarding the kind of trees that have been damaged /uprooted in recent events ranked by (generic) species.*

Collection of information on the species of trees that were uprooted or damaged in the cyclone is complete. The data collected is being compiled and will be addressed in a future report. This data will indicate the species and size of trees that were uprooted or damaged in the cyclone, along with the species of trees that remained upright and relatively unaffected. This data will be used to inform other activities and decision making.

Whilst the detailed survey report has not yet been finalised, indications are that African Mahoganies (*Khaya senegalensis*), River Red Gums (*Eucalyptus camuldulensis*) and Yellow Flame Trees (*Peltophorum pterocarpum*) make up the predominant species of trees that were blown over and damaged in the cyclone.

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2. Inspection of Council parks to identify trees planted in close proximity to private property and /or powerlines that have the potential to cause damage and /or injury if/when they come down.

It is estimated to cost \$160,000 to undertake a survey on trees in close proximity to private property and powerlines, and it will take a minimum of three (3) months to complete. Funding for this work is not identified within the operational budget and will require a budget variation to identify funding.

Information required for arborists to fully address the above request includes:

- species,
- size of the tree,
- identification of the target, and
- identification of a scale of potential risk.

The definition of private property requires clarification, particularly around the types of infrastructure. In the majority of Darwin parks, a significant proportion of the remaining trees have the potential to impact on private property from verges and parks. Using a risk management approach that considers the location and the infrastructure that may be impacted, it is recommended to survey only those trees that have the potential to cause damage/injury if/when they fail, to the principal residence, be it a house or unit and powerlines.

Following this initial survey, the risk to other infrastructure, including Council assets, will be considered for further survey work based on a risk management approach.

3. A plan for the removal and possible costing to be provided to Council regarding specifically these trees

Following the survey and works in items 1 and 2, the number, species and size of trees for potential removal will be better understood and an estimate for these works will be able to be prepared.

4. A review of our parks to identify number and species of trees that may come down in a future weather event as it has happened in the recent past.

Advice received from industry experts is that the intensity and effect of a weather event at a particular location on a particular tree is unpredictable and conditions during and leading up to will be different for each event. It is impossible to predict which trees may fail at a particular time or location.

In order to achieve this, all trees within open space within the Darwin municipality would need to be identified and assessed. The costs and time to undertake the assessment is envisaged to be in the order of hundreds of thousands of dollars and is unable to be assessed at this time as recovery and clearing operations are still underway. The information gathered by the data collected in item 1 and the survey in item 2 of this report would be used to inform whether this work would be feasible.

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5. *An investigation is undertaken to identify, in consultation with local experts, suitable species of trees mainly native to the top end areas with high rainfall and cyclonic conditions to be used in the future for landscaping.*

It is recommended that Council forms a panel of local experts that will be able to make rigorous recommendations to Council, and the broader community, on the selection of suitable species for future landscaping. This would include consideration of selecting appropriately resilient species, growing and planting requirements, maintenance and pruning techniques to provide the Darwin community with the best possible advice to re-establish a resilient tree population.

Peak body organisations including The Australian Institute of Landscape Architects NT Chapter, The NT Arboriculture Association and The Nursery and Garden Industry Association of the NT will be invited to be members of the panel. In addition it is recommended a community member is also included on the panel, identified through an expression of interest selection process. Key to the success of this panel will be the development of terms of reference and the appointment of a Chairperson to drive the discussion.

The panel will have the short term task of providing Council a list of suitably resilient trees for replanting purposes taking into account a range of criteria that will offer a suite of planting options for differing situations.

There are a number of post cyclone reports from other jurisdictions that will inform much of the work being undertaken, that examine how governments and organisation dealt with the technical, environmental and community expectations in the aftermath of such destructive natural events.

6. *A review of the list of trees suitable to areas prone to cyclones be undertaken to ensure that all trees that are removed are replaced with suitable trees.*

This will be covered by the previous item, item 5.

7. *Potential for salvage from fallen trees*

There are a range of options available to Council for salvaging fallen trees for reuse or repurposing. To note, is that this report only explores options available to Council and does not include consideration of material that has been cleared by other parties such as the Northern Territory Government.

Where practical material collected from parks has been chipped or mulched on site to be reused as mulch to garden beds. Trees with suitable habitat hollows have been identified in parks and reserves will be retained where appropriate.

Whilst there may be a perception that all material from fallen trees is being mulched or wood chipped, only a small portion of the material from a fallen tree is suitable for commercial milling. This is generally the larger sized material (trunk sections from

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the base of the tree) which is physically unable to be processed through a wood chipper.

Work to clear larger trees has been undertaken under existing Council contractual arrangements. In these arrangements, contractors are engaged to remove a tree, and as soon as they remove it, it becomes their property and responsibility.

Timber material that is available to City of Darwin is currently being temporarily stored at the Stage 2 (inert waste) area of Shoal Bay Waste Management Facility until a decision on its final disposal is made. As clean-up operations are finalised, the volume of timber suitable for milling will be better understood.

Council has received informal approaches by individuals and community groups, including the recently formed Marcus Timber Cooperative, suggesting options for its reuse and seeking the timber for various purposes.

There are two broad approaches available to Council as outlined in the 2 options below:

OPTION 1: Leave it in the parks to be turned into furniture/sculpture / play equipment

Such suggestions include:

- allowing the community to create chainsaw type sculptures in parks
- placing logs and timber in such a manner that it could be a natural playground
- turn the timber into seats, tables etc in the parks

These ideas are broadly appealing and anecdotally popular in the community, with benefits including:

- Positive engagement with the community in the aftermath of the cyclone;
- Public art/sculptures would provide an aesthetic community benefit;
- Sense of place-making and community building with using the material in situ

Operationally there are a number of costs and risks to be considered before taking such an approach:

- Council does not have the specialised skills in house to create outdoor furniture, art or playground equipment.
- Storage of timber in parks is not ideal and would not preserve the timber in the best way; therefore it would be best transported offsite and (potentially) brought back once transformed.
- If members of the public undertake the activities there are public liability risks
- Requirements to comply with the Australian Standards for Playgrounds (AS 4685:2014) and cover Council's public liability requirements – this would necessitate customised planning and design
- Timber would need treatment to ensure protection against Darwin climate and termites.

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OPTION 2: Temporarily store the logs and timber, and make it available to the public for a limited time to do with it as they see fit.

As mentioned above, an amount of material is being stored at Stage 2 of the Shoal Bay Waste Management Facility. This could continue until the clean-up is completed and then a process for making the material available could occur through normal procurement activities.

Benefits of this approach include:

- Allows broader innovation of application of the timber, exceeds Council purposes
- More equitable access to the material
- Allows local timber and artisan community to determine the best outcome for the material
- Requiring the organisation to transport the material, rather than Council

There are some costs and risks to consider in relation to this option:

- Storage conditions at Shoal Bay makes it not a long term option.
- There may be some community perception around private/commercial use of a public asset
- Lack of uptake - in past cyclone events some timber material was kept for reuse on request by individuals. When it came time for collection of the material a number of issues arose including:
 - Change of heart due to a lack of profit margin once transport and handling options were realised
 - Lack of safety provisions or correct machinery for handling and transporting material upon collection
 - Irregular sizing of logs may not meet the individuals' requirements.
 - Storage site was not suitable for long term storage or for an extended period; and
 - Disposal of unwanted material at the end of the process came at a cost to Council

It is recommended that on completion of the clean-up, Council proceeds with option 2 and calls for expressions of interest for parties to collect the material. This would include conditionality around time for collection, and it being at no cost to Council.

8. *The issue of maintaining trees to reduce load so that they remain safe in high winds*

City of Darwin undertakes risk assessments of its tree assets in order to maintain the safety of the community, and at the same time provide the shade, amenity value and biodiversity that the community expects. This approach is consistent with Council's Tree Management Plan and the Visual Tree Risk Assessment methodology endorsed by Council in November 2017.

City of Darwin Policy No. 050 Trees on Verges – Conservation, is under review and will be informed by the outcomes from the work requested by Council, particular item 5 discussed within this report.

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Summary

The following table summarises the actions taken to date and the status of elements contained within Councils decision:

Item	Action	Status
1. A report to be provided to Council regarding the type of trees that have been damaged /uprooted in recent events ranked by (generic) species.	Data being compiled for future update report.	Underway
2. Inspection of Council parks to identify trees planted in close proximity to private property and /or powerlines that have the potential to cause damage and /or injury if/when they come down.	Order of costs estimated at \$160,000, subject to funding.	Underway
3. A plan for the removal and possible costing to be provided to Council regarding these specific trees.	Works will be undertaken in conjunction with item 2.	Not started
4. A review of our parks to identify number and species of trees that may come down in a future weather event as it has happened in the recent past.	To be considered following the outcome of items 1 and 2.	Not started
5. An investigation is undertaken to identify, in consultation with local experts, suitable species of trees mainly native to the top end areas with high rainfall and cyclonic conditions to be used in the future for landscaping.	Recommendation for the composition of the expert panel made. Formation of terms of reference and identification of outcomes underway.	Underway
6. A review of the list of trees suitable to areas prone to cyclones be undertaken to ensure that all trees that are removed are replaced with suitable trees.	To be undertaken in conjunction with item 5.	Not started
7. Potential for salvage from fallen trees.	Storage of large logs, with expression of interest called at the completion of the clean-up.	Underway
8. The issue of maintaining trees to reduce load so that they remain safe in high winds	Council's adopted Tree Management Plan and Visual Tree Risk Assessment methodology addresses the maintenance and management of trees under Council's control.	Complete

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CONSULTATION PROCESS

In preparing this report, the following City of Darwin Officers were consulted:

- Acting Manager Infrastructure Maintenance
- Parks and Reserves Coordinator
- Senior Technical Officer Parks and Reserves
- Manager Climate Change and Environment

In preparing this report, the following External Parties were consulted:

- Australian Vegetation Management Services
- Australian Institute Landscape Architects NT
- Nursery and Garden Industry NT
- Arboreal Association NT
- Bill Sullivan, Consulting Arborist

POLICY IMPLICATIONS

City of Darwin Policy No. 050 – Trees on Verges – Conservation identifies its policy objective as “*Council has a strongly conservative policy towards the removal of live trees and the intention is to preserve as many trees as possible.*” This policy is currently under review and will be informed by the outcomes of the investigations requested by Council.

BUDGET AND RESOURCE IMPLICATIONS

Current resourcing for the survey collecting information on the species of trees that were uprooted or damaged in the cyclone has been borne from operational programs.

Council’s request to identify the trees remaining in parks planted in close proximity to private property and/or powerlines that have the potential to cause damage or injury if/when they come down is estimated to cost in the order of \$160,000. Funding for this work is not currently identified or available within endorsed programs and will require budget consideration by Council.

Cost implications for the removal of identified trees in parks that have the potential to cause damage to private property and powerlines or injury to people has not been assessed at this time.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

All trees have a risk of failure in normal weather events and as trees increase in size, mass and maturity, the risk of failure increases. Council’s program of Tree Risk Management is designed to protect the public from foreseeable risks, and so reduce the prospect of damages claims being made against Council in these normal

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weather events. This occurs through normal tree management activities, such as inspections of leased properties.

This report has not considered insurance aspects at this time, however future reports will include consideration of insurance as required.

During cyclonic weather events there it is not reasonable to predict whether a tree may fail, causing damage or injury, or remain standing.

ENVIRONMENTAL IMPLICATIONS

Trees provide great environmental benefits to the Darwin community and trees are assessed, within resourcing and budgets, for maintenance or removal with the best long term outcome for the community, including safety and environmental benefits.

If trees are to be considered for removal based purely on species and/or proximity to private property and powerlines there would likely be a further significant reduction in tree canopy cover and biodiversity throughout the Municipality.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

NIK KLEINE
MANAGER CAPITAL
WORKS

NADINE NILON
ACTING GENERAL MANAGER
CITY OPERATIONS

For enquiries, please contact Nik Kleine on 8930 0586 or email:
 n.kleine@darwin.nt.gov.au.

ENCL: CITY OPERATIONS COMMITTEE/OPEN
YES

AGENDA ITEM: 9.1.2

REQUEST FOR PURCHASE OF LAND - 13 LARRAKEYAH TERRACE, LARRAKEYAH

REPORT No.: 18CO0014 JW:jg COMMON No.: 2853055

DATE: 18/04/2018

Presenter: Manager Design, Development & Projects, Drosso Lelekis

Approved: Acting General Manager City Operations, Nadine Nilon

PURPOSE

The purpose of this report is to seek Council's approval for the subdivision and sale of a portion of Council owned land adjoining Lot 3781 (13) Larrakeyah Terrace, Larrakeyah, Town of Darwin.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

Goal

5 Effective and Responsible Governance

Outcome

5.5 Responsible financial and asset management

Key Strategies

5.5.1 Manage Council's business based on a sustainable financial and asset management strategy

KEY ISSUES

- Council offered for sale to the owners of Lots 3781, 3779, 3778 and 5461 Town of Darwin, the sewage easement alongside their respective properties in 2002, but the sale did not proceed at that time due to Native Title claim that was later resolved.
- A second request was made to Council in 2014, of which the motion to sale the land was lost.
- The owner has now made a third application for sale of land.
- The land in question currently has a sewer easement over it, is maintained by the resident and is not considered suitable for future use or development.
- Power Water Corporation (PWC) have confirmed that they have no objection to the sale of the land.
- A valuation report (**Attachment A**) has been completed for the walkway and this approximately 187 square metre area of land is valued at \$120,000.

RECOMMENDATIONS

THAT it be a recommendation to Council:-

- A. THAT Report Number 18CO0014 JW:jg entitled Request For Purchase of Land - 13 Larrakeyah Terrace, Larrakeyah, be received and noted.
- B. THAT Council approve in principle the subdivision and consolidation of parts of Lots 5146 and 8107 and the sale of the land subject to compliance with the Local Government Regulations and the satisfactory resolution of all issues associated with that compliance and that the sale be subject to:
 - a. The parts of Lots 5146 and 8107 as depicted in Report Number 18CO0014 JW:jg entitled Request For Purchase of Land - 13 Larrakeyah Terrace.
 - b. The purchase price be set at \$120,000 as per the Independent Valuation obtained by Council.
 - c. The Purchaser preparing and lodging with any relevant Authority all necessary documents which are required to give effect to the Agreement.
 - d. The Purchaser is to identify any Power and Water Corporation and Telstra easements over the land and identify those easements on a Survey Plan to the satisfaction of the Surveyor General. It is the Purchaser's responsibility to provide final Survey Plan for the transfer of land to the satisfaction of the Surveyor General.
 - e. The land being consolidated into the purchaser's Lot after the sale of the land.
 - f. All costs associated with the sale of the land, including but not limited to, advertising, survey plans, Local Government road closure process, legal and other associated fees be borne by the proponent.
- C. THAT Council pursuant to Section 32 (2) of the Local Government Act 2008 (as Amended) hereby delegates to the Chief Executive Officer the power to finalise the terms and conditions of the contract of sale for the portion of land on, Lots 5146 and 8107, Town of Darwin.
- D. THAT pursuant to Section 26(2) Council approve the affixing of the common seal to all associated documentation for the closure and sale of land adjacent to lot 3781(13) Larrakeyah Terrace, Larrakeyah, Town of Darwin and that documentation be attested by the signatures of the Chief Executive Officer and the Lord Mayor.

BACKGROUND

The subject land is varying in width, running the length of Lot 3781 (13) Larrakeyah Terrace and currently has a sewer easement over it. The portion of land is currently part of Lots 5246 and 8107, both owned by Council and forming part of Doctors Gully.

The owner of 13 Larrakeyah Terrace, Larrakeyah approached Council in 2002 to purchase a portion of Council land. A report (No. 02TS0286) was put to Council at the time and the sale of land was approved. However, the sale was deferred due to a Native Title claim on the portion of land in question, which has now been resolved, with the claim not being valid.

Council's previous decision on this matter was as follows;

Doctors Gully Encroachment - Lot 3781

External Ref No.02TS0286 DP:we (09/08/02) Internal Ref No.216890

- A. *THAT Report Number 02TS0286 DP:we entitled Doctors Gully Encroachment - Lot 3781, be received and noted.*
- B. *THAT Council offer for sale to owners of Lots 3781, 3779, 3778 and 5461 Town of Darwin, the sewage easement at the rear of their respective properties and a condition of sale be subject to a further report by the Director Corporate Services, investigating the requirements of PowerWater, access alternatives to Doctors Gully and the valuation of the property.*

DECISION NO.18\3904 (27/08/02)

However, the sale did not proceed due to concerns over a Native Title claim over the area.

Advice received on 30 June 2014 from the Department of the Attorney-General and Justice Office in regard to the previous Native Title claim was that the claim was not valid.

In 2014 the resident made a second application for the sale of land. A further report (No. 14TS0220) was put to Council, again recommending sale of the subject land, for a sale price of \$150,000 (excluding GST), which was the land evaluation at the time, but this time Council resolved not to sell the land.

DISCUSSION

The resident has made a new request to purchase the portion of Council owned land at the rear of Lot 3781 (13) Larrakeyah Terrace, Larrakeyah, Town of Darwin.

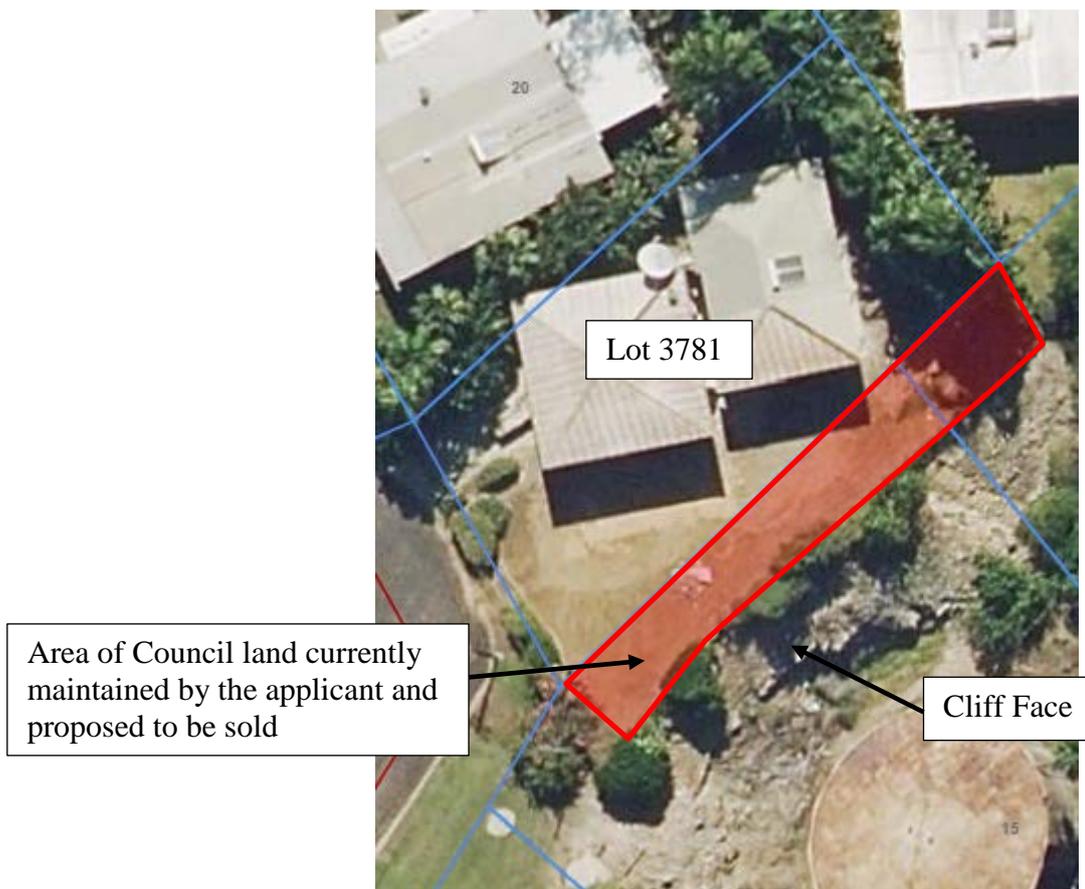


Image 01 – Satellite Image of the land in question

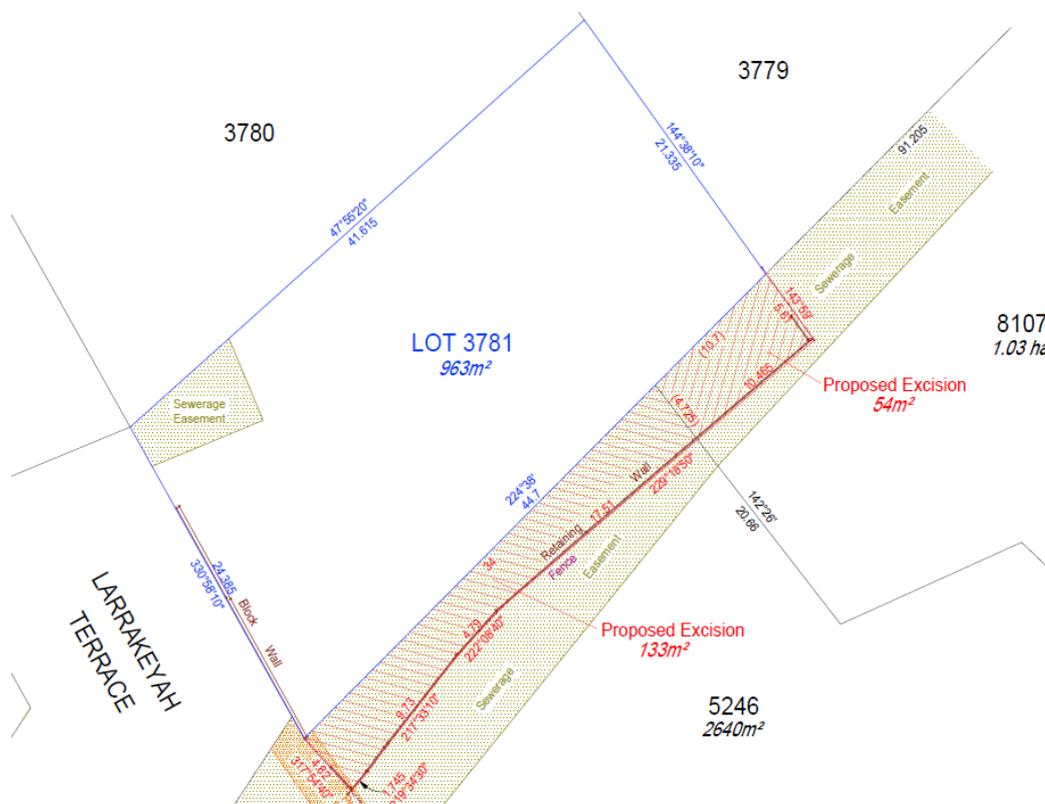


Image 02 – Proposed area land to be sold

The land in question (refer above and **Attachment B**) varies in width, running the length of Lot 3781 (13) Larrakeyah Terrace, and is approximately 44 metres long. The land is 187 m² in area.

Consultation with Power and Water Corporation (PWC) confirmed that they are comfortable with the sale of land, although their preference is that the land remain under City of Darwin ownership. In the unlikely event that the easement is needed to be accessed, they would require access through private property. As there is an existing easement over the land no additional easements would need to be created through the sales process.

As the land proposed to be sold is bordered to the north by the applicant's lot and to the south by a small cliff face, it is considered that the land could not be utilised by Council without significant works to the site.

The area of land in question is currently occupied and maintained by the applicant; however there is no existing permit that allows the owner to occupy this portion of land.

Planning Implications

The applicant's lot is currently zoned SD (Single Dwelling Residential) and is 963m² in area. Pursuant to the Northern Territory Planning Scheme and the current SD zoning that applies to the land, a minimum of 800m² is required per lot created. If the land were to increase by 187m² as a result of purchasing the portion of land, the subject property would still be unable to subdivide under the current zoning that is applicable, as the total area would only be 1,150 m² in area.

With the increase in land area that would result of the sale and consolidation were to go ahead, the consolidated lot area would be over 1,000 m², which would theoretically allow for a dual occupancy dwelling development with a minimum area of 500 m² each to be constructed on the site.

However, the whole of the land proposed to be purchased has an easement over it, limiting any future development.

The sale of the portion of land would therefore not have any planning implications pursuant to the current zoning of the land in terms of greater development potential.

Summary

As the area of land in question has very limited potential for use by the City of Darwin and is currently occupied and maintained by the applicant, it is recommended that the sale of land be approved, subject to conditions as outlined in the recommendations.

CONSULTATION PROCESS

In preparing this report, the following City of Darwin officers were consulted:

- Town Planner
- Property Officer

In preparing this report, the following External Parties were consulted:

- Valuations NT

POLICY IMPLICATIONS

Council's Land Acquisition, Disposal and Lease Policy, No. 010 provided guidance in relation to the sale of Council land.

As a general rule, Council (as custodian of public assets) would dispose of all property interests in an open market format to ensure due probity of process and optimal financial return (and minimal risk).

However, Council may undertake an alternative process for the disposal of land where in Council's opinion, an alternative disposal approach will achieve greater

benefits to the ratepayers than could be achieved through a public process and will entertain a direct sale, lease or similar to the exclusion of a public process.

The circumstances which give rise to an alternative process include:

“Where there is only one identifiable purchaser. For example where a site is not large enough for development in its own right and is surrounded by public roads on all sides other than the adjoining owner.”

It is considered that this case adheres to applying to the alternative process as only one property adjoins the land.

BUDGET AND RESOURCE IMPLICATIONS

The unimproved capital value of the applicants lot at 13 Larrakeyah Terrace is valued at \$1.4 million (\$1,370m²). The purchase of the subject land will increase the property size from 963m² to an area of 1,150m². As shown in the Valuer’s report (**Attachment A**) the value of the encroached land is \$240,000; however this requires discounting to account for easements located on the land with a final value of \$120,000.

All costs associated with the sale of this land would be borne by the proponent.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Advice received on 30 June 2014 from the Department of the Attorney-General and Justice Office in regard to the previous Native Title claim is as follows;

- Lot 5686, Town of Darwin (held as NT freehold by the City of Darwin) was claimed in the Darwin Part A native title claim.
- The Court found (Risk v NT (2006) FCA) that native title does not exist in relation to Lot 5686 and dismissed the native title application.

If approval is granted for the sale of the approximately five metre wide section of public land to the resident, other property owners (of land adjacent the easement) may request a similar opportunity to purchase the land at the rear of their properties. Any such requests would be considered if and when they are received.

ENVIRONMENTAL IMPLICATIONS

With the sale of this land in question, there is the potential that there will be a loss of green space if the owner makes changes to the area and removes the turf currently in place. However, as there is an easement over the whole of the land to be sold, there is very limited opportunity to construct over it.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

DROSSO LELEKIS
MANAGER DESIGN
DEVELOPMENT & PERMITS

NADINE NILON
ACTING GENERAL MANAGER
CITY OPERATIONS

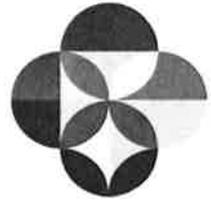
For enquiries, please contact Drosso Lelekis on 89300414 or email:
d.lelekis@darwin.nt.gov.au

Attachments:

Attachment A: Valuation Report

Attachment B: Survey Plan of proposed sale of land

ATTACHMENT A²⁷



Valuations NT
certified practising valuers

MARKET VALUATION REPORT

**Part Lots 5246 & 8701
TOWN OF DARWIN NT 0820**



Acting on instructions from Tim Merrigan
Our Reference: 180083

Valuations NT
ABN 41 603 036 844
GPO Box 4489, Darwin NT 0801
08 8981 3885
emma@valuationsnt.com.au

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Appendices

- Search Certificate of Title and Record of Administrative Interests for Lot 3781
- Plan of Portion of Land to be Consolidated

1.0 Executive Summary

Instructing Party	Tim Merrigan
Client	City of Darwin
Valuation Purpose	Market value assessment for a potential sale to an adjoining owner.
Property Address	Part Lots 5246 & 8107 Town of Darwin NT 0820
Property Description	The subject property comprises two irregular shaped portions of land totalling 187m ² in area that have been proposed for consolidation with adjoining Lot 3187 which is an irregular shaped internal allotment of Single Dwelling (SD) zoned land located in premium residential suburb of Larrakeyah, approximately 2 kilometres north-west of the Darwin CBD.
Certificate of Titles	Lot 5426 Town of Darwin, from Plan S 79/011A, and more particularly described in the Certificate of Title Register Book, Volume 765 Folio 119; Lot 8107 Town of Darwin, from Plan LTO2011/058A, and more particularly described in the Certificate of Title Register Book, Volume 804 Folio 500.
Registered Proprietors	City of Darwin
Area to be Consolidated	187 square metres.
Zoning	Single Dwelling Residential (SD)
Interest Valued	Fee Simple interest with vacant possession on an unencumbered basis.

1.1 Valuation

Market Value	\$120,000 (ONE HUNDRED AND TWENTY THOUSAND DOLLARS)
Date of Inspection	6 April 2018
Date of Valuation	6 April 2018
Inspecting Valuer	 Emma Jackson AAPI, MBus (Prop) Certified Practising Valuer AAPI 64371

Important	<i>This Executive Summary must be read in conjunction with the remainder of this report. It is only a synopsis designed to provide a brief overview and must not be acted upon in isolation to the contents of the valuation report.</i>
Third Party Disclaimer	<i>This report has been prepared for the private and confidential use of our client, the City of Darwin. It should not be reproduced in whole or part without the express written authority of Valuations NT Pty Ltd or relied upon by any other party for any purpose and the valuer shall not have any liability to any party who does so. Our warning is registered here, that any party, other than those specifically named in this paragraph should obtain their own valuation before acting in any way in respect of the subject property.</i>

2.0 Instructions

Instructions have been received to undertake a valuation of the property as per the details below.

Instructing Party	Tim Merrigan
Property Address	Part Lots 5246 & 8107 Town of Darwin NT 0820
Date of Instructions	5 April 2018
Client	City of Darwin
Valuation Purpose	Market value assessment toward a potential sale to the adjoining owner.
Specific Instructions	Assessment of the current market value of the subject property based upon a proposed consolidation with Lot 3187 having regard to the plan of subdivision provided.
Pecuniary Interest	We confirm that the valuer does not have any pecuniary interest that would conflict with the proper valuation of the property.
Documents Relied Upon	Information we have been provided with and/or relied upon in undertaking our valuation includes: <ul style="list-style-type: none"> • Instructions; • Search Certificate of Title and Record of Administrative Interests for Lot 3781. • Proposed Plan of Subdivision. • Survey Plans S 79/011A & LTO2011/058A
Scope of Work	The scope of work undertaken by the valuer in completing the valuation has included: <ul style="list-style-type: none"> • Review of the information provided and instructions in respect of the subject property; • Undertaking assessment of current market and sales information required to determine an appropriate market value in respect of the subject property; • A physical inspection of the property; • Provide a written report outline outlining the methodology, observations, sales data, assumptions and current market value as assessed.
Compliance	Our valuation has been prepared in accordance with the Australian Property Institute Practice Standards and Guidance Notes.

3.0 Background

In August 2002, Council approved a decision relating to the sale of a 4 metre strip of land at Doctors Gully to the rear of Lots 3781, 3779 and 5416. Mr Tsirbis wrote a letter to the City of Darwin detailing the conditions surrounding his existing use of the land that encroaches Doctors Gully. He claimed that prior to fencing the site, people were regularly passing in front of his pool and crossing his land as they tried to find a path down to Doctors Gully, one that doesn't exist. He subsequently erected a retaining wall, installed a reticulation system and planted new trees and lawns. In his letter he offered to maintain the cliff side in front of his property as well as the section of grass at the end of Larrakeyah Terrace out to approximately thirty metres from his boundary. He suggested that it would be in Council's interest to proceed with the sale as if he were to remove the encroaching fence, as the cliff is very steep, Council would be responsible for erecting a replacement fence and the ongoing maintenance of the land to prevent the retaining wall from collapsing. All of these seem fair and reasonable arguments in favour of the sale of the land. The process was stalled however due to a Native Title claim raised in 2002 which was subsequently resolved. In 2014, Mr Tsirbis again approached Council to sell the land. At that time, a valuation was undertaken but Council decided not to proceed and the sale was again put on hold. Now in April 2018 the sale of the land is once again up for negotiation. With it has come an instruction to undertake a fair market value assessment for Part Lots 5246 & 8701 based upon them being consolidated with adjoining Lot 3781.

4.0 Basis of Valuation

This valuation has been prepared on the basis of Market Value as defined by the International Valuation Standards Committee (IVSC), and endorsed by the Australian Property Institute:

Market Value

Market Value is defined as *"the estimated amount for which an asset or liability should exchange on the date of valuation between a willing buyer and a willing seller in an arm's length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently, and without compulsion"*.

Highest & Best Use

Market Value is based on the highest and best use of the asset that may not necessarily be the existing use. Highest and Best Use is "The most probable use of a property which is physically possible, appropriately justified, legally permissible, financially feasible and which results in the highest value of the property being valued".

Basis of Valuation

Our valuation has been prepared on a vacant possession basis.

Special Interest

No account has been taken of a higher price that may be paid by a purchaser with a 'special interest' in acquiring the property, such as an adjoining owner. In these circumstances the price paid by a special interest purchaser may not meet the definition of Market Value as the purchaser may be acting 'with compulsion'.

5.0 Date of Valuation

Valuation Date	6 April 2018
Date of Inspection	6 April 2018
Market Change	Due to possible changes in market forces and circumstances in relation to the subject property the report can only be regarded as representing our opinion of the value of the property as at the date of valuation.
Currency of Valuation	90 days from the date of valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.

6.0 Location

6.1 Regional

Location Map

The subject property is in the premium residential suburb of Larrakeyah, approximately 2 kilometres north-west of the Darwin central business district by road. Local shops, schools and medical facilities and public transport are located within 2 kilometres of the subject. Surrounding properties consist of premium low density housing of differing ages and character on traditional size allotments.



7.0 Tenure

7.1 Legal Description

Tenure	Fee simple with vacant possession.
Certificate of Titles	Lot 5246 Town of Darwin, from Plan S 79/011A, and more particularly described in the Certificate of Title Register Book, Volume 804 Folio 425; Lot 8107 Town of Darwin, from Plan LTO2011/058A, and more particularly described in the Certificate of Title Register Book, Volume 804 Folio 500.
Registered Proprietors	City of Darwin
Unimproved Capital Value	The Unimproved Capital Value (UCV) of Lot 5246 as determined by the NT Valuer General as at 1 July 2017 was \$1,075,000; The Unimproved Capital Value (UCV) of Lot 8107 as determined by the NT Valuer General as at 1 July 2017 was \$905,000. It should be noted that the UCV is specifically for rating and taxing purposes and may not necessarily be reflective of the current market value.
Data Source	A copy of the Search Certificate of the Title and Record of Administrative Interests obtained from the Integrated Land Information System (ILIS).

7.2 Easements & Encumbrances

Encumbrances Assumption	Our valuation has been assessed assuming the property is only affected by encumbrances as noted on the Title. We have not searched with other Government or relevant entities to ascertain whether any other encumbrances exist over the subject property.
Encumbrances	Sewerage Easement to Power and Water Corporation.

7.3 Native Title

Native Title Assumption	Our valuation has been prepared on the basis of no survival of native title rights and interests. We are not experts in native title or the property rights derived there from and have not been supplied with appropriate expert advice or reports. Therefore, this valuation is made assuming there are no actual or potential native title interests affecting the value or marketability of the property.
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8.0 Planning

8.1 Local Planning

LGA	City of Darwin
Current Town Planning Scheme	Northern Territory Planning Scheme 2007
Current Zoning	Organised Recreation (OR) & Public Open Space (PS)
Proposed Zoning (Once Consolidated)	Single Dwelling Residential (SD)
Zoning Effect	The primary purpose of Zone SD is to provide for single dwellings on individual lots with a minimum land size of 800m ² . Proposed use complies.

8.2 Heritage Issues

Heritage Assumption	This valuation is made on the assumption that there are no actual or potential heritage issues affecting the value or marketability of the property.
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9.0 Land Description

9.1 Description of the Portion to be Consolidated with Lot 3781

Dimensions	The portion of land to be consolidated with Lot 3781 is irregular in shape but long, level and narrow and some 187m ² in total area.
Aspect	The subject property has a south-westerly aspect with views out over the Arafura Sea.
Site Improvements	The subject land has been retained, fully landscaped and fenced by the owners of Lot 3781.
Drainage	The property does not appear to be subject to flooding during normal climatic conditions.

10.0 Services

Services	Mains power, water, sewer, Telstra and NBN services, postal delivery and garbage collection.
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11.0 Photography

The following photos were taken at the time of inspection, being Friday 6 April 2018.



12.0 Environmental Issues

12.1 Site Contamination

Environmental Conditions

We have not been provided with an environmental audit, nor are we aware of the property being affected by soil contamination. We have not investigated the site beneath the surface or undertaken vegetation or soil sampling.

Contamination Assumption

Our valuation has been based upon the assumption that there are no actual or potential contamination issues affecting the property.

Environmental
Disclaimer

This report is not an environmental audit and no advice is given in any way relating to environmental matters. Any comments given as to environmental factors in relation to the property are not given in the capacity as an expert. Given contamination issues can have an impact on the Market Value of the property, we reserve the right to review and if necessary vary our valuation if any contamination or other environmental hazard is found to exist.

13.0 Valuation Considerations

13.1 Highest and Best Use

Highest and best use is defined as the most probable use of a property which is physically possible, appropriately justified, legally permissible, financially feasible, and which results in the highest value of the property.

The highest and best use of the subject property is considered to be in its proposed form as part of a larger single residential dwelling site.

13.2 Valuation Methodology

The most appropriate method of valuation in this instance is known as "Before and After Approach". This approach considers the value of the underlying land for which the subject is to be consolidated with in its current state to the market and then again after the proposed consolidation.

In order to determine the before and after values of the property, the "Direct Comparison Approach" is used where the parcel the subject is to be consolidated with is compared to sales of other properties which are considered to be somewhat comparable to determine an appropriate rate/m² to be applied to the property.

In assessing the before and after market values the physical characteristics including location, lot size, contour, zoning and views have been taken into consideration.

13.3 Assessing Market Value in Land Subject to Easements

By way of definition, an easement is a right acquired over the land of another; that is, a right to use land in different ownership in a particular way or to prevent and owner from using his land in a particular way.

The assessment of market value for the subject property, gives consideration to the fact that the subject land will have limited development potential as it will not be able to be built on as a function of the easement.

General practice and appropriate consideration is determined to be to adopt a rate that represents between 10 to 50 percent of the current market value of the land dependent upon how the easement impacts upon the future use of the land. For the purposes of this assessment, we consider a rate of **50 percent** to be appropriate.

14.0 Market Evidence

Information Availability In preparing this valuation we have undertaken those investigations reasonably expected of a professional valuer having regard to normal industry practice so as to obtain the most relevant, available, comparable market evidence. Whilst we believe the sales information provided to be accurate, not all details can and have been formally verified.

Additional Information In the event additional information becomes available this may affect the opinion expressed by the valuer. Nevertheless the valuation is based on information and market evidence reasonably available to the valuer as at the date of the valuation in accordance with usual professional valuation practices.

14.1 Sales Evidence

In forming our opinion of value we have had regard to various sales transactions, a selection of which is detailed as follows:

4 Mimosa Street, Nightcliff NT 0810

Sold for **\$1,200,000** on 17 November 2014. A 1,150m², regular shaped internal allotment of SD zoned land set one house back from the Nightcliff foreshore. Improvements at the time of sale consisted of a pre-cyclone built, 4 bedroom, 3 bathroom ground level dwelling of fibrous cement construction. This has been demolished and a new dwelling erected. Marketed as a redevelopment site. If we disregard the cost of demolition, the sale equates to a land rate of approximately **\$1,043/m²**.

5 Mimosa Street, Nightcliff NT 0810 (228 Casuarina Drive, Nightcliff NT 0810)

Sold for **\$1,600,000** on 14 April 2011. A 1,140m², corner allotment of SD zoned land located on the Nightcliff foreshore with direct views over the Arafura Sea and three street frontages. Improvements at the time of sale consisted of a circa 1980 built, 6 bedroom, 3 bathroom two storey dwelling of rendered block construction. This was demolished following the purchase and a new single dwelling has been erected. If we disregard the cost of demolition, the sale equates to a land rate of approximately **\$1,404/m²**.

3 Larrakeyah Terrace, Larrakeyah NT 0820

Sold for **\$2,200,000** on 16 June 2009. A 971m², corner allotment of SD zoned land with uninterrupted sea views. Improvements at the time of sale consisted of a pre-cyclone built, 4 bedroom, 3 bathroom ground level dwelling of fibrous cement construction which has subsequently been demolished. Marketed as a redevelopment site. The sale equates to a land rate of approximately **\$2,265/m²**.

126 East Point Road, Fannie Bay NT 0820

Sold **\$2,600,000** on 2 December 2013. A 1,530m² regular shaped internal allotment of MD zoned land with uninterrupted sea views and potential for development into 5 multiple dwellings. Improvements at the time of sale comprised of a 6 bedroom, 4 bathroom two storey dwelling with that has subsequently been demolished and a very large single dwelling has been erected. If we disregard the cost of demolition, the sale equates to a land rate of approximately **\$1,699/m²**.

14.2 Sales Evidence Reconciliation

There have been no recent sales of properties in similar premium locations that have been purchased for the underlying land value and that have subsequently been redeveloped. The sales analysed above reflect land rates of between **\$1,043/m²** and **\$2,265/m²** for properties that are both in inferior and superior locations but all were achieved under far superior market conditions. The best example of current market conditions can be found in the property next door to Lot 3781, being 22 Packard Street, Larrakeyah, which sold improved for **\$2,900,000** in September 2010 and is currently on the market asking **\$2,200,000**. This represents a reduction of **25%** from the previous sale price with no sale in sight at this stage so we would consider it fair and reasonable to adopt a discount rate of 30% on assessed land values at the peak of the market. The best comparison to be found in the sales evidence above is considered to be the sale at 3 Larrakeyah Terrace which reflected a land rate of approximately **\$2,265/m²**. This is considered to be superior to the subject, both in the location along the street as well as the date of the sale. We therefore consider it appropriate to apply a discount rate of **10%** to the analysed land rate to reflect the locational adjustment and a further **30%** reduction to reflect the negative market movement. This equates to a rounded rate of **\$1,425/m²** for Lot 3781 an 'as is' basis and **\$1,400/m²** 'once consolidated' with Part Lots 5246 & 8710.

15.0 Additional Comments

We note that at the time of inspection the owner indicated that the previous application had stalled because Council had been concerned that their motivation for purchasing the land may have been aligned with a potential for rezoning and redeveloping the site for a higher density use. In August 2015, an application was submitted for the construction of a three storey single dwelling exceeding 8.5m in height with reduced front, side and rear setbacks on Lot 3781. This was approved on 17 November 2015 and it is noted that the original house has now been extended in line with the planning approval and that given the extent of the current improvements, it is considered highly unlikely that this would be a consideration now.

16.0 Market Commentary

The Darwin property market has historically seen relatively strong growth across all sectors and price brackets since 2005 on the back of major project announcements such as the Inpex gas project and Marine Supply Base. However, over the past 18 to 24 months, a contraction in both sales activity and prices achieved have been observed across all sectors of the market and with it a reduction in demand from owner occupiers and investors alike.

Despite this trend, new unit developments continue to be constructed in the Darwin CBD with developers typically offering above market rental guarantees and long term leases as incentives, targeted primarily at interstate investors. The large influx of new units onto the market in recent years has resulted in an oversupply which has particularly impacted the second hand unit market which is not able to offer the same depreciation benefits nor can they achieve comparable rental returns. House/land packages in Zuccoli, which typically appeal to the first home buyer, appear to be steady in the level of interest shown but it is yet to be seen if they will hold their value as there have been very few re-sales from which to rely upon. The older stages of Zuccoli, which offer larger blocks at higher price points have slowed in the level of interest shown and the number of land sales achieved, although there are relatively few that are available for sale. Similar trends have been observed in the other recent residential estates at Durack Heights and Muirhead.

The observed softening of capital and rental values currently being achieved is reflective of a contracting market, a trend that is likely to continue into the short to medium term.

17.0 Valuation Calculations

Giving consideration to the aforementioned comments, the following calculations represent our estimate of a fair exchange for Part Lots 5246 & 8701 based upon them being consolidated with Lot 3781 Town of Darwin.

Current market value of the underlying land pertaining to Lot 3781 Town of Darwin 'before consolidation':

963 square metres	@ \$1,425/m ²	=	\$1,372,275
Rounded to say			\$1,370,000

Current market value of the underlying land pertaining to Lot 3781 Town of Nightcliff 'after consolidation':

1,150 square metres	@ \$1,400/m ²	=	\$1,610,000
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The difference between the assessed market values before and after consolidation is **\$240,000**

To this we have applied a **50%** discount in order to give consideration to the fact that the whole of Part Lots 5246 & 8701 are subject to a large sewerage easement.

The assessed market value of the subject property for consolidation purposes with adjoining Lot 3781 is therefore considered to be **\$120,000**.

18.0 Goods & Services Tax

Treatment of GST

Valuations comment that the application of GST may vary significantly from owner to owner and from property to property and therefore no generic assumptions should be made or applied to any individual property.

Recommendation

If there is any uncertainty as to the GST treatment on the sale of a property then we recommend you seek further information regarding the nature of any potential transaction and parties involved (particularly in the case of possible default by the mortgagor and hypothetical sale with mortgagee in possession) and confirmation from a qualified accountant in relation to potential GST liability.

19.0 Valuation

We are of the opinion that the Market Value of the fee simple interest of the subject property as at 6 April 2018, subject to the comments in this report, is:

19.1 Market Value

\$120,000

(ONE HUNDRED AND TWENTY THOUSAND DOLLARS)

Inspecting Valuer



Emma Jackson
AAPI, MBus (Prop)
Certified Practising Valuer
AAPI 64371

OPEN SECTION

OPERATIONS5/9

City Operations Committee Meeting – Wednesday, 23 May 2018

9.2 OFFICERS REPORTS (RECEIVE & NOTE)



ENCL:
YES

CITY OPERATIONS COMMITTEE/OPEN

AGENDA ITEM: 9.2.1

STORMWATER DRAINAGE UPGRADE PROGRAM

REPORT No.: 18CO0024 DL:jw COMMON No.: 2632033

DATE: 23/05/2018

Presenter: Manager Design, Development and Projects, Drosso Lelekis

Approved: Acting General Manager City Operations, Nadine Nilon

PURPOSE

The purpose of this report is to provide Council with an update on the status of the stormwater drainage studies undertaken for the suburbs of Stuart Park, Parap, Fannie Bay, Nightcliff, Larrakeyah and Darwin's CBD and to advise of an intended four year stormwater drainage upgrade program.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

Goal

2 Vibrant, Flexible and Tropical Lifestyle

Outcome

2.1 Improved access and connectivity

Key Strategies

2.1.3 Manage the road network to meet community needs

KEY ISSUES

- Changes to the Darwin town planning zonings over the years have allowed for an increase in development density, resulting in an increase in stormwater run-off.
- The existing stormwater drainage network in some of the older Darwin suburbs is aging and undersized in certain areas, causing flooding issues.
- As a result of these development changes and known flooding issues, several stormwater studies have been or are being undertaken in the suburbs of Stuart Park, Parap, Fannie Bay, Nightcliff, Larrakeyah and Darwin's CBD.
- The recent stormwater studies completed for the suburbs of Stuart Park, Parap, Fannie Bay and Nightcliff have identified that significant upgrading of the existing network is required in these areas.
- The sections of stormwater drainage network requiring upgrading across the suburbs were assessed and the estimated upgrade costs are provided in the body of this report.

PAGE: 2
REPORT NUMBER: 18CO0024 DL:jw
SUBJECT: STORMWATER DRAINAGE UPGRADE PROGRAM

- A study for the suburbs of Larrakeyah and the Darwin CBD is currently being undertaken by the Northern Territory Government and the outcomes are not known at this stage.
- Consequently, upgrade projects in these suburbs are unable to be identified at this stage and are not included in the upgrade program at this stage.

RECOMMENDATIONS

THAT it be a recommendation to Council:-

THAT Report Number 18CO0024 DL:jw entitled Stormwater Drainage Upgrade Program, be received and noted.

BACKGROUND

Stuart Park, Parap, Fannie Bay, Nightcliff, Larrakeyah and Darwin CBD are some of the oldest suburbs within Council's Municipality, being most being constructed over 50 years ago. These residential suburbs have seen considerable change and re-development in recent years, with many allotments being rezoned to allow higher densities of development.

These higher development densities and changes in land use have and will continue to result in, increased stormwater run-off which contributes to the need to upgrade the existing stormwater drainage systems.

As part of the City of Darwin's stormwater management process, studies have been undertaken of the existing stormwater drainage systems within the suburbs of Stuart Park, Darwin CBD, Parap, Fannie Bay and Nightcliff.

The Northern Territory Government (NTG) is currently undertaking similar studies for the suburbs of Darwin CBD (given that the Barneson Boulevard stormwater drainage works have rationalised drainage within the Darwin CBD itself) and Larrakeyah. The Darwin CBD study being undertaken by the NTG will supersede the previous study undertaken.

DISCUSSION

Council has adopted a proactive approach to stormwater drainage analysis where whole of suburb drainage catchments are studied instead of individual problem areas.

These studies assess the capacity of the existing drainage systems for both the current land use and for potential future land use in accordance with current zoning plans. The studies identify where the existing drainage systems are inadequate to cater for the current stormwater run-off and areas that require upgrading to cater for the expected future increases in stormwater run-off as the result of future development within the suburb.

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 REPORT NUMBER: 18CO0024 DL:jw
 SUBJECT: STORMWATER DRAINAGE UPGRADE PROGRAM

The studies for Stuart Park, Parap, Fannie Bay and Nightcliff have been completed while the studies for the Darwin CBD (revised) and Larrakeyah are currently underway and being undertaken by the NTG. Any upgrade works identified in the incomplete studies will be prioritised against the other projects identified in the completed studies for inclusion in future upgrade programs.

A list of the sites requiring stormwater upgrading works within each of the suburbs where studies have been completed to date, along with indicative cost estimates (incl GST), is provided below.

Stuart Park

Location	Cost Estimate
• Nudi Street & Verburg Court	\$ 800,000
• Coronation Dr, Graham St, Ashley St & Stuart Park School	\$3,117,520
• Charles Street	\$ 337,260
• Intersection of Charles Street & Moonta Street	\$ 207,060
• Eden Street	\$ 43,820
• Westralia Street	\$ 492,240
• Margaret Street	\$1,211,420
• Nelson Street	\$ 21,140
• Meigs Crescent & Dinah Oval Reserve	\$1,828,960
• Queen Street	\$ 392,140
• Winston Avenue	\$ 342,580
• Gothenburg Court	\$ 372,260
Total	\$9,166,400

Parap and Fannie Bay

Location	Cost Estimate
• George Crescent	\$418,000
• Philip Street	\$166,000
• Parsons Street	\$168,000
• Dick Ward Drive	\$403,000
• Conigrave Street	\$210,000
• Goldsmith Street & Brogan Street	\$290,000
• Giles Street & Parsons Street	\$290,000
• Clancey Street	\$226,000
• Cooper Street	\$167,000
• Vickers Street & Freer Street	\$448,000
• Playford Street	\$196,000
• Lampe Street	\$846,000
• Parap Road	\$359,000

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• Hudson Court	\$129,000
• Railway Street	\$339,000
• Ross Smith Avenue	\$452,000
• Seale Street & East Point Road	\$483,000
• Sommerville Gardens & Dangerfield Street	\$377,000
• Goyder Road	\$131,000
Total	\$6,098,000

Nightcliff

Location	Cost Estimate
• Cunjevoi Crescent	\$3,725,224
• Jacksonia Circuit	\$1,436,900
• Kurrajong Crescent/Grevillea Circuit	\$2,228,450
• Casuarina Drive and Kiranou Place	\$ 615,700
• Hickory Street	\$1,486,100
• Progress Dr, Oleander St, Pavonia Pl, Pheonix St	\$5,570,200
Total	\$15,062,574

From the sites identified that require upgrading and in consideration of the funding provided in Council's current Long Term Financial Plan, the following four year stormwater upgrade program has been developed, after a prioritisation process based on the analysis undertaken in the studies, previous history of flooding issues, risk assessment of flooding of properties, and complaints.

Four Year Stormwater Drainage Upgrade Program.

Year	Location	Cost Estimate
2018/2019	Nudl Street and Verburg Street, Stuart Park and Railway Street, Parap	\$1,200,000
2019/2020	Stage 1 Cunjevoi Crescent, Nightcliff	\$1,476,570
2020/2021	Stage 2 Cunjevoi Crescent, Nightcliff	\$1,573,654
2021/2022	Stage 3 Cunjevoi Crescent, Nightcliff; Vickers and Freer Street, Parap and Sommerville Gardens and Dangerfield Streets, Parap	\$1,500,000

It should be noted that the annual budget for Stormwater Upgrade and Reconstruction is allocated to not only upgrade Council's stormwater drainage network from the perspective of capacity (as determined from the suburban stormwater drainage studies), but also from an asset management perspective (i.e. damaged/aging sections of the network).

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 SUBJECT: STORMWATER DRAINAGE UPGRADE PROGRAM

Recently an assessment of the pits within Council's drainage networks was completed with a thorough assessment of the pipes yet to be carried out. Once completed, sections of the network requiring upgrading from an asset management perspective will be incorporated within this capital works program. The maintenance of the stormwater drainage network is undertaken on an as-required basis (involves investigation of potential blockages in response to complaints from residents etc). There is no set program for these maintenance activities.

Stormwater contribution plans are in place for the suburbs of Stuart Park and the Darwin CBD. These will offset funding requirements over time for these particular areas. There are no plans at this stage to develop further contribution plans for Parap, Fannie Bay and Nightcliff. The prioritisation of works has been considered based on need, rather than when funding may be received from these contribution plans.

CONSULTATION PROCESS

In preparing this report, the following City of Darwin officers were consulted:

- Design Team Leader
- Asset Officer
- Coordinator Civil Infrastructure
- Senior Climate Change and Environment Officer

POLICY IMPLICATIONS

City of Darwin adopts a suburb wide approach to stormwater drainage analysis and upgrading and then applies a prioritisation principles based on the outcomes of completed studies, flooding history, risk to property and complaints.

BUDGET AND RESOURCE IMPLICATIONS

The estimated cost to implement the proposed four year program is \$5,750,224. The estimated cost of all of the potential projects identified to date is \$30,326,974.

Individual project cost estimates (refer to discussion section of this report) for all upgrade projects will be updated after detailed design has been undertaken for each project.

The annual budgets for Stormwater Upgrade and Reconstruction in Council's Long Term Financial Plan over the next four years are:

2018/2019	\$1,385,475
2019/2020	\$1,476,570
2020/2021	\$1,573,654
2021/2022	\$1,677,122

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 REPORT NUMBER: 18CO0024 DL:jw
 SUBJECT: STORMWATER DRAINAGE UPGRADE PROGRAM

Stormwater drainage system maintenance is undertaken under existing operation budgets on an as-required basis.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Failing to upgrade the existing stormwater network where flooding is known to occur results in negative public reaction and potential liability claims.

Current practice is to design upgrades and works around existing properties where stormwater easements don't exist, or works aren't feasible. In some instances, there would be the option for Council to purchase properties where flooding is known to occur and works to mitigate are significant, and in some cases not technically and/or financially feasible. As design work occurs and costs are known, a cost/benefit analysis of the works may be undertaken to see if property purchase should be considered, or a risk management approach.

Where easements don't exist, the creation of easements over stormwater infrastructure on private property would involve a process of obtaining approval from the land owner and likely a financial consideration being paid if permission is granted. Formal legal advice will be sought on this matter.

ENVIRONMENTAL IMPLICATIONS

Improved stormwater management will have positive environmental impacts. Better infrastructure will reduce the likelihood of flooding and erosion, as well as improving environmental flow therefore minimising the impacts of pooling such as biting insect breeding.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

DROSSO LELEKIS
MANAGER DESIGN,
DEVELOPMENT AND PROJECTS

NADINE NILON
ACTING GENERAL MANAGER
CITY OPERATIONS

For enquiries, please contact Peter Copley on 8930 0589 or email:
 p.copley@darwin.nt.gov.au.

OPEN SECTION

OPERATIONS5/10

City Operations Committee Meeting – Wednesday, 23 May 2018

10. INFORMATION ITEMS

11. QUESTIONS BY MEMBERS

12. GENERAL BUSINESS

13. CLOSURE OF MEETING

Common No. 2695131



PREVIOUS MINUTES

OPEN

**City Operations
Committee Meeting**

DATE: 18 April 2018

OPEN SECTION

OPERATIONS02/1

City Operations Committee Meeting – Wednesday, 21 February 2018

MINUTES OF THE CITY OPERATIONS COMMITTEE MEETING OF THE TWENTY-SECOND COUNCIL HELD IN MEETING ROOM 1, CIVIC CENTRE, HARRY CHAN AVENUE ON WEDNESDAY, 21 FEBRUARY 2018 COMMENCING AT 5.30PM.

MEMBERS: Member R Want de Rowe (Chair); Member R M Knox; Member E L Young.

OFFICERS: Acting Chief Executive Officer, Mr G Rosse; Acting General Manager City Operations, Mr N Kleine; Manager Design, Development & Projects, Mr D Leleki; Acting Manager Infrastructure Maintenance, Mr K Davidson; Acting Manager Capital Works, Mr N Lewis; Manager Technical Services, Mrs N Nilon; Executive Assistant, Ms J Wylie.

APOLOGY: The Right Worshipful, The Lord Mayor, K Vatskalis

GUESTS:

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Wednesday, 21 February 2018

OPERATIONS02/1

OPEN SECTION

OPERATIONS02/2

City Operations Committee Meeting – Wednesday, 21 February 2018

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Wednesday, 21 February 2018

OPERATIONS02/2

OPEN SECTION

OPERATIONS02/3

City Operations Committee Meeting – Wednesday, 21 February 2018

1. MEETING DECLARED OPEN

The Chair declared the meeting open at 5.36pm.

2. APOLOGIES AND LEAVE OF ABSENCE

Common No. 2695036

2.1 Apologies

(Knox/Young)

THAT the apology from The Right Worshipful, The Lord Mayor be received.

DECISION NO.22\0419 (21/02/18)

Carried

2.2 Leave of Absence Granted

Nil

3. ELECTRONIC MEETING ATTENDANCE

Common No. 2221528

3.1 Electronic Meeting Attendance Granted

Nil

4. DECLARATION OF INTEREST OF MEMBERS AND STAFF

Common No. 2752228

4.1 Declaration of Interest by Members

Nil

4.2 Declaration of Interest by Staff

Nil

Wednesday, 21 February 2018

OPERATIONS02/3

OPEN SECTION

OPERATIONS02/4

City Operations Committee Meeting – Wednesday, 21 February 2018

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S

Common No. 1955119

5.1 Confirmation of the Previous City Operations Committee Meeting Minutes

(Knox/Young)

COMMITTEE'S DECISION

THAT the Committee resolve that the minutes of the previous City Operations Committee Meeting held on Wednesday, 22 November 2018, tabled by the Chair, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.22\0420 (21/02/18)

Carried

5.2 Business Arising

Nil

6. DEPUTATIONS AND BRIEFINGS

Nil

7. CONFIDENTIAL ITEMS

Common No. 1944604

7.1 Closure to the Public for Confidential Items

(Young/Knox)

COMMITTEE'S DECISION

THAT pursuant to Section 65(2) of the Local Government Act and Regulation 8 of the Local Government (Administration) Regulations the meeting be closed to the public to consider the following items:-

Item **Regulation** **Reason**

C17.2.1 8(b)

information about the personal circumstances of a resident or ratepayer

DECISION NO.22\0421 (21/02/18)

Carried

Wednesday, 21 February 2018

OPERATIONS02/4

OPEN SECTION

City Operations Committee Meeting – Wednesday, 21 February 2018

OPERATIONS02/5

8. WITHDRAWAL OF ITEMS FOR DISCUSSION

(Knox/Young)

COMMITTEE'S DECISION

THAT the Committee resolve under delegated authority that all Information Items and Officers Reports to the City Operations Committee Meeting held on Wednesday, 21 February 2018 be received and considered individually.

DECISION NO.22/0422 (21/02/18)

Carried

9.1 OFFICERS REPORTS (ACTION REQUIRED)

9.1.1 Security Upgrades to East Point

Report No. 17CO0043 (21/02/18) Common No. 3665059

(Young/Want de Rowe)

THAT it be a recommendation to Council:-

- A. THAT Report Number 17CO0043 NK;jw entitled Security Upgrades to East Point, be received and noted.
- B. THAT Council endorse increased security patrols, as per Option 3, outlined in Report Number 17CO0043 NK;jw entitled Security Upgrades to East Point.
- C. THAT a further investigation of Option 1 and 2 occur, as outlined in Report Number 17CO0043 NK;jw entitled Security Upgrades to East Point and that a further report be prepared for Councils consideration by June 2018, which includes feedback from increased security patrols and consultation options for option 4.

Carried

OPEN SECTION

City Operations Committee Meeting – Wednesday, 21 February 2018

OPERATIONS02/6

9.1.2 Alternative Roads to Recovery Project to Dinah Beach Road Upgrade

Report No. 17CO0031 (21/02/18) Common No. 2827650

(Knox/Young)

THAT it be a recommendation to Council:-

- A. THAT Report Number 17CO0031 PH;jg entitled Alternative Roads to Recovery Project to Dinah Beach Road Upgrade, be received and noted.
- B. THAT Council endorse the replacement of the Dinah Beach Road, Stuart Park upgrade with the Lakeside Drive, Alawa reconstruction as Council's project for the Roads to Recovery Programme funding available to June 2019.
- C. THAT Council endorse a submission to the Australian Government to amend the project for the use of the remainder of the current 2014/2015 to 2018/2019 Roads to Recovery Programme project funding from the Dinah Beach Road, Stuart Park upgrade project to the Lakeside Drive, Alawa reconstruction project.

Carried

9.1.3 Ross Smith Memorial – Proposed National Heritage Listing

Report No. 18CO0006 (21/02/18) Common No. 3494266

(Young/Knox)

COMMITTEE'S DECISION

THAT the Committee resolve under delegated authority:-

- A. THAT Report Number 18CO0006 DL;jw entitled Ross Smith Memorial - Proposed National Heritage Listing, be received and noted.
- B. THAT Council provide a letter of support to the Northern Territory Government for the National Heritage Listing of the Ross Smith Memorial.

DECISION NO.22/0423 (21/02/18)

Carried

ACTION: Manager Design, Development & Projects
NOTE: Acting General Manager City Operations

OPEN SECTION

OPERATIONS027

City Operations Committee Meeting – Wednesday, 21 February 2018

9.2 OFFICERS REPORTS (RECEIVE & NOTE)

9.2.1 Quarter 2 – City Operations Quarterly Performance Report 2017/18

Report No. 18CO0017 (21/02/18) Common No. 1230662

(Young/Knox)

COMMITTEE'S DECISION

THAT the Committee resolve under delegated authority:-

THAT Report Number 18CP0017 VG:je entitled Quarter 2 - City Operations Quarterly Performance Report 2017/18, be received and noted.

DECISION NO.22\0424 (21/02/18)

Carried

10. INFORMATION ITEMS

Nil

11. QUESTIONS BY MEMBERS

(Young/Want de Rowe)

THAT the following Questions by Members be received and noted.

DECISION NO.22\0425 (21/02/18)

Carried

11.1 Click and Fix

Common No. 3731148

Member RM Knox queried processes around customer service requests submitted through Click and Fix. The system generates an automated reminder email to the customer after 30 days. Can the process around Click and Fix automated emails to customers be investigated?

The Acting General Manager took the question on notice.

ACTION: ACTING GM CITY OPS

Wednesday, 21 February 2018

OPERATIONS027

OPEN SECTION

OPERATIONS028

City Operations Committee Meeting – Wednesday, 21 February 2018

11.2 Barneson Boulevard / Paving and Recycled Materials

Common No. 2116605

Member RM Knox queried what types of paving will be used in the construction of Barneson Boulevard and surrounding areas and whether recycled materials, for example crushed glass for the footpaths, have been considered?

The Acting General Manager took the question on notice.

ACTION: ACTING GM CITY OPS

11.3 Barneson Boulevard / Parking Lanes

Common No. 2116605

Member Knox queried whether parking lanes have been considered within the current concept design of Barneson Boulevard or if they will be considered post construction.

The Acting General Manager responded and advised that parking lanes are not within the current scope of the project.

11.4 Barneson Boulevard / Green Walls

Common No. 2116605

Member Young queried when Elected Members would be privy to the design and progress of the Barneson Boulevard Green Wall which has been handed over to Council to manage.

The Acting General Manager responded and advised that a report will be tabled at the City Operations Committee in April 2018.

11.5 Vehicles on Green Space / Nightcliff and Rapid Creek Foreshore

Common No. 3364276

Member Knox queried that service vehicles seem to be driving excessively around Nightcliff and Rapid Creek Foreshore, particularly near the shared path and BBQ near Aralia Street.

The Acting General Manager responded and took the question on notice advising that this matter is being investigated.

ACTION: GM CITY OPS

Wednesday, 21 February 2018

OPERATIONS028

OPEN SECTION

OPERATIONS02/9

City Operations Committee Meeting – Wednesday, 21 February 2018

11.6 Bins around Nightcliff Shopping Village

Common No. 3640720

Member Knox queried whether correspondence to the business owners, tenants and residents in the area has been distributed regarding public bin misuse around Nightcliff Shopping Centre?

The Acting General Manager responded and advised that the correspondence has been distributed and feedback is being collated. We will be conducting a bin audit of the area in the near future.

11.7 Recycle and Resource Centre

Common No. 1991200

Member Knox queried the recent radio segment regarding the management of the Recycle and Resource Centre and questioned what types of recyclables the centre is accepting.

The Acting General Manager responded and advised that the contractor is required to continue to take recyclable materials, such as steel. These processes will continue, however the reduction in acceptance is more focussed on shop items whilst they work to clear stock prior to 30 June. These processes are being monitored and will be modified if required to ensure steel, cardboard and some other core recyclable items continue to be collected and taken by recycling companies.

12. GENERAL BUSINESS

Nil

OPEN SECTION

OPERATIONS02/10

City Operations Committee Meeting – Wednesday, 21 February 2018

13. CLOSURE OF MEETING

Common No. 2695131

(Knox/Young)

THAT pursuant to Section 65 (2) of the Local Government Act and Regulation 8 of the Local Government (Administration) Regulations the meeting be closed to the public to consider the Confidential Items of the Agenda.

DECISION NO.22\0426 (21/02/18)

Carried

The meeting moved to the Confidential Section at 6.24pm.

**MEMBER R WANT DE ROWE
(CHAIR) – CITY OPERATIONS
COMMITTEE MEETING –
WEDNESDAY, 21 FEBRUARY
2018**

Confirmed On: Wednesday, 21 March 2018

Chair: _____