



Business Papers

Environment & Infrastructure Committee Meeting

**Tuesday, 18 October 2016
5:00pm**



Notice of Meeting

To the Lord Mayor and Aldermen

You are invited to attend an Environment & Infrastructure Committee Meeting to be held in Meeting Room 1, Level 1, Civic Centre, Harry Chan Avenue, Darwin, on Tuesday, 18 October 2016, commencing at 5.00 pm.

B P DOWD
CHIEF EXECUTIVE OFFICER

Office Use Only

Placed on Public Notice Board: _____

Removed from Public Notice Board: _____

OPEN SECTION

E&I10/1

CITY OF DARWIN

ENVIRONMENT & INFRASTRUCTURE COMMITTEE

TUESDAY, 18 OCTOBER 2016

MEMBERS: Member G A Lambert (Chair); The Right Worshipful, The Lord Mayor, Katrina Fong Lim; Member R K Elix; Member R Want de Rowe; Member E L Young.

OFFICERS: Chief Executive Officer, Mr B Dowd; General Manager Infrastructure, Mr L Cercarelli; Executive Manager, Mr M Blackburn; Manager Technical Services, Mrs N Nilon; Manager Design, Planning & Projects, Mr D Lelekis; Manager Infrastructure Maintenance, Mr K Smith; Manager Climate Change & Environment, Ms S Gamble; Executive Assistant, Ms A Smit.

Enquiries and/or Apologies: Arweena Smit
E-mail: a.smit@darwin.nt.gov.au - PH: 89300 685
OR Phone Committee Room 1, for Late Apologies - PH: 89300 519

Committee's Responsibilities

- | | |
|-----------------------------------|--|
| • Asset Management | • Infrastructure Projects |
| • Building Services | • Infrastructure Maintenance |
| • Cemeteries | • Design |
| • Mosquito control | • Planning |
| • Operations | • Road Construction and Traffic Management |
| • Parks & Reserves | • Urban Enhancement |
| • Pathways | • Climate Change and Environment |
| • Road maintenance | • Waste Management |
| • Sporting Areas | • Outdoor Dining |
| • Stormwater Drainage Maintenance | • Signage |
| • Street Cleaning | |
| • Urban Forest Management | |

THAT effective as of 16 April 2012 Council, pursuant to Section 32 (2)(b) of the Local Government Act 2008, hereby delegates to the Environment & Infrastructure Committee the power to make recommendations to Council and decisions relating to Environment & Infrastructure matters within the approved budget.

OPEN SECTION

E&I10/2

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OPEN SECTION

E&I10/4

Environment & Infrastructure Committee Meeting – Tuesday, 18 October 2016

1. MEETING DECLARED OPEN

1.1 Election of Acting Chair for Environment & Infrastructure Committee Meeting – Tuesday, 18 October 2016

2. APOLOGIES AND LEAVE OF ABSENCE

Common No. 2695036

2.1 Apologies

2.2 Leave of Absence Granted

THAT it be noted Member G A Lambert is an apology due to a Leave of Absence previously granted on 16 August 2016, for the period 18 to 27 October 2016.

DECISION NO.21\() (18/10/16)

3. ELECTRONIC MEETING ATTENDANCE

Common No. 2221528

Nil

4. DECLARATION OF INTEREST OF MEMBERS AND STAFF

Common No. 2752228

4.1 Declaration of Interest by Members

4.2 Declaration of Interest by Staff

OPEN SECTION

E&I10/5

Environment & Infrastructure Committee Meeting – Tuesday, 18 October 2016

5. **CONFIDENTIAL ITEMS** Common No. 1944604

5.1 **Closure to the Public for Confidential Items**

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>
C14.1	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C17.1.1	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person

5.2 **Moving Open Items Into Confidential**

5.3 **Moving Confidential Items Into Open**

6. **WITHDRAWAL OF ITEMS FOR DISCUSSION**

THAT the Committee resolve under delegated authority that all Information Items and Officers Reports to the Environment & Infrastructure Committee Meeting held on Tuesday, 18 October 2016 be received and considered individually.

OPEN SECTION

E&I10/6

Environment & Infrastructure Committee Meeting – Tuesday, 18 October 2016

7. CONFIRMATION OF MINUTES PERTAINING TO THE PREVIOUS ENVIRONMENT & INFRASTRUCTURE COMMITTEE MEETING

THAT the Committee resolve that the minutes of the previous Environment & Infrastructure Committee Meeting held on Tuesday, 20 September 2016, tabled by the Chair, be received and confirmed as a true and correct record of the proceedings of that meeting.

8. BUSINESS ARISING FROM THE MINUTES PERTAINING TO THE PREVIOUS ENVIRONMENT & INFRASTRUCTURE COMMITTEE MEETING

8.1 Business Arising

9. DEPUTATIONS AND BRIEFINGS

OPEN SECTION

E&I10/7

Environment & Infrastructure Committee Meeting – Tuesday, 18 October 2016

10.1 OFFICERS REPORTS (ACTION REQUIRED)

**ENCL: ENVIRONMENT AND INFRASTRUCTURE
YES COMMITTEE/OPEN**

AGENDA ITEM: 10.1.1

CITY OF DARWIN POLICY NO. 041 - LAND USE PLANNING - GENERAL

REPORT No.: 16TS0163 BS:dj COMMON No.: 2078949

DATE: 18/10/2016

Presenter: Manager Design, Planning & Projects, Drosso Lelekis

Approved: General Manager Infrastructure, Luccio Cercarelli

PURPOSE

The purpose of this report is to present to Council a reviewed and updated Land Use Planning Policy No 041.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

Goal

5 Effective and Responsible Governance

Outcome

5.4 Effective leadership and advocacy

Key Strategies

5.4.2 Advocate on behalf of the community

KEY ISSUES

- The current Land Use Planning Policy No. 041 was adopted 23 February 2010 and the policy is now due for review.
- The Policy includes a broad range of planning issues that are no longer consider relevant to a Council policy, as they are included in legislative requirements, detailed within other documents, or are a part of standard administrative processes that Council provides comment on, such as Development Applications.
- References to Liquor Licenses, Lot 7003 - Old Leanyer Dump, Subdivision Entry Statements and Heritage policy statements have been removed from the policy for the above reason(s).
- Building over Drainage Easements, Demountables and Sea Containers and Place Names remain within the policy, but have been revised.
- This report summarises changes to the Policy in each of these areas.

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 REPORT NUMBER: 16TS0163 BS:dj
 SUBJECT: CITY OF DARWIN POLICY NO. 041 - LAND USE PLANNING - GENERAL

RECOMMENDATIONS

THAT it be a recommendation to Council:-

- A. THAT Report Number 16TS0163 CR:dj entitled City Of Darwin Policy No. 041 - Land Use Planning - General, be received and noted.
- B. THAT the draft Policy, as contained in **Attachment C** to Report Number 16TS0163 CR:dj entitled *City Of Darwin Policy No. 041 - Land Use Planning – General*, be endorsed for the purposes of community consultation at Level 2 in accordance with *City of Darwin Policy No. 025 – Community Consultation Policy*.

BACKGROUND

Council's website includes the following statement in regards to policies:

"Policies are a representation of the values that Council will take into consideration during its decision making process. It is the Elected Members role to weigh Council matters and decide upon policies which the council administration will carry through. Policies are in place to fulfil the community's needs and are continually being reviewed and updated."

Council has a current Land Use Planning Policy No. 041, **Attachment A** which was identified for review. This policy has been reviewed, with tracked changes and is included as **Attachment B**.

DISCUSSION

The Land Use Planning Policy (the Policy) objective is to establish City of Darwin's expectations in relation to various types of development and land use applications and policies for the guidance of developers and the community. Through the review, it was determined that many of the statements no longer need to be specifically included in a policy and can be addressed procedurally.

The current Policy includes framework for Council's responses to applications for:

- building over drainage easements,
- demountable structures and sea containers,
- liquor licences,
- place names,
- subdivision entry statements.

It also provides general Policy statements in relation to:

- heritage,
- Lot 7003 – Old Leanyer Dump Site – Transfer of Title,

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In the review of the Policy, consideration was given to the relevance of the statements and whether they had since been superseded by other legislation or procedures.

Policy Statements recommended for removal

- Liquor Licenses

The statement delegated to the Chief Executive Officer to determine grounds for objection. Policies do not, by standard, include delegations such as these as they are dealt with administratively. The Council process for Liquor Licenses is that they are brought to Council for consideration and a decision, in a similar way to planning approvals.

This policy statement is therefore no longer considered relevant, as it is covered within Council's standard procedures.

- Subdivision Entry Statement

This statement provided guidance for the approval and design of subdivision entry statements. This information is contained within Council's subdivision guidelines and Council officers provide the necessary feedback to the developer as required, which is generally at the time of subdivision approval.

This policy statement is therefore no longer considered relevant, as it is covered within Council's standard procedures and guidelines.

- Heritage

This is a general policy statement reflecting that Council would normally oppose development at a heritage place, or any place of significance, including environmental. The statement reinforces the current practices that occur within existing legislation and through the planning process.

This policy statement is therefore no longer considered relevant, as it is covered by legislation and Council's standard procedures.

- Lot 7003 – Old Leanyer Dump Site – Transfer of Title

This statement is simply that Council will pursue the acquisition of Lot 7003, which is the old Leanyer dump site. Council currently leases this Crown Land through the Northern Territory Government. As there are no plans for this site beyond it being an emergency landfill site (ie following a cyclone), it is not considered necessary for Council to acquire this land. If Council wanted to pursue the acquisition, then it is considered that this would be best as a decision of Council rather than a policy statement.

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This policy statement is therefore no longer considered relevant to be within a policy, and if required, should be a separate decision of Council.

Policy Statements to Remain

- Building over Drainage easements

It is recommended to retain this statement as it provides guidance on Council's position in relation to building over easements. Detailed technical references in the Policy will be removed and provided in a procedural format.

- Demountable structures and sea containers

Much of the detail of this statement has been removed as the Northern Territory Planning Scheme includes detailed assessment criteria. Council allows temporary demountable structures and sea containers within the road reserve under the conditions of a works permit (ie for house moving, site offices) and this is referenced in the Policy.

- Place Names

This policy statement has been updated to reflect the current process and provide guidance on the types of requests that are received by developers, and the public.

CONSULTATION PROCESS

It is suggested that Council undertake community consultation Level 2, in accordance with *City of Darwin Policy No. 025 – Community Consultation Policy*.

This will involve the following activities:

- advertising the draft Policy,
- place on City of Darwin web site,
- seek any community feedback.

The consultation period will be for a three (3) week period.

This report was considered by the Executive Leadership Team on 10 October 2016 and is now referred to Environment and Infrastructure Committee for consideration.

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

- Manager Technical Services
- Strategic Town Planner
- Town Planner
- Planning officer

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POLICY IMPLICATIONS

The process is a review of Land Use Planning Policy No. 041 and if the draft is adopted following community consultation it will become the new policy.

Council Policy No 25 – Community Consultation.

BUDGET AND RESOURCE IMPLICATIONS

The reviewed Policy will have no impact on current or future budgets or resourcing. The Policy review was completed within existing operational budgets.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

There are no risk or legal implications as a result of adopting the updated policy.

The Policy has been updated to align with current procedures and removed areas already covered under legislation, including the NT Planning Scheme.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications as a result of adopting the updated policy.

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, PLANNING
AND PROJECTS

LUCCIO CERCARELLI
GENERAL MANAGER
INFRASTRUCTURE

For enquiries, please contact Cindy Robson on 8930 0528 or email:
 c.robson@darwin.nt.gov.au.

Attachments:

Attachment A: Existing Land Use Planning Policy No 041

Attachment B: Draft proposed Land Use Planning Policy No 041 with track changes

Attachment C: Draft proposed Land Use Planning Policy No 041

Title: *Land Use Planning - General*

Policy No: *041*

Adopted By: *Council*

Next Review Date: *23/02/2014*

Responsibility: *General Manager Infrastructure*

Document Number: 2118392

Version	Decision Number	Adoption Date	History
1	20/2501	23/02/10	Adopted
2			
3			
4			

1 Policy Summary

The intent of the policy is to provide a framework for Council's responses on applications for:

- Building over Drainage easements
- Demountable structures and sea containers
- Liquor Licences
- Lot 7003 -Old Leanyer Dump Site - Transfer Of Title
- Place Names
- Sub-Division entry statements.

and,

General policy statements in relation to:

- Heritage
- Lot 7003 -Old Leanyer Dump Site - Transfer Of Title

2 Policy Objectives

To clearly establish City of Darwin's expectations in relation to various types of development and land use applications and policies in relation to sundry other land use issues for the guidance of staff, potential developers and the community at large.

3 Background

Land use planning and development control within Darwin is the responsibility of the Northern Territory Government. However as a body tasked with representing the interests of the Darwin community with the responsibility for ‘seeking to ensure a proper emphasis on environmentally sustainable development and a proper balance between economic, social, environmental and cultural considerations’ the Council provides comment to the Government and its statutory agencies and also develops its policies reflecting the aspirations of the Council and the Darwin community.

4 Policy Statement

Building Over Drainage Easements – Conditions

If a property owner wishes to erect a structure of a prefabricated nature over a registered Council stormwater drainage easement or portion thereof, permission may be granted subject to the owner agreeing in writing to:

- Fully indemnify the Council against any damage to the proposed structure as a result of any operations within the easement.
- Pay for any damage to the stormwater pipe or other structure within the easement caused in or by the erection of the structure.
- Lay the part of any concrete flooring or paving which is installed within 0.6 metres on either side of the centre line of the stormwater pipe in removable slabs of not more than 1.0m x 1.2m.
- Allow Council officers, employees or agents access to the structure at all times for the purpose of clearing any pipe or drain contained within the easement.
- Erect the structure according to the plan submitted and not to construct foundations running along the line of the storm water pipe closer than 1m from the centre line of the stormwater pipe.
- Advise any future owners of the property of the conditions under which approval for the erection of the structure was given.

No building whatsoever over flushing and inspection pits will be allowed and no buildings of brick, concrete block or concrete construction, will be allowed over easements.

Demountable Structures and Sea Containers Policy

The Northern Territory Planning Scheme (2007) defines a “demountable structure” as follows:

“...a building, including transport containers, which is wholly or substantially prefabricated and which is designed to be transported from site to site, but does not include a caravan or transportable module used in conjunction with an education establishment or used as a construction site office, or a prefabricated dwelling.”

Placement of a demountable structure on zoned land requires the consent of the Development Consent Authority (DCA).

Demountable structures and sea containers are not supported within **residential and open space zones**. If the DCA provides approval, Council requests that the following conditions be applied:

- The proposal for the demountable building or sea container meets the requirements of the Northern Territory Planning Scheme and should not impinge on any boundary setbacks required by the Planning Scheme.
- The demountable building or sea container is clad with an approved material, painted a uniform colour, have a pitched approved roof, concealed footings and be landscaped.
- The demountable building or sea container is located to the rear of the site or at minimum behind the line of the front wall of the dwelling, to minimise its impact upon the local streetscape.
- The demountable building or sea container complies with the Northern Territory Building Act.
- the demountable building or sea container has a personal access door which is openable from the inside at all times.

Demountable structures and sea containers are only supported for a maximum of two years within **industrial and commercial zones** provided that the following criteria are met:

- The proposal for the demountable building or sea container should meet the requirements of the Northern Territory Planning Scheme and should not impinge on any boundary setbacks required by the Planning Scheme.
- The demountable building or sea container should be clad with an approved material, painted a uniform colour, have a pitched approved roof, concealed footings and be landscaped.
- The demountable building or sea container should comply with the NT Building Act.

Heritage

Where, after consultation with the relevant specialist, Council is of the opinion a place is inhabited by an endangered species, or is of high scientific, educational, social, cultural, aesthetic, historic, recreational or tourist importance, Council will normally oppose development at that place, unless and until it can be shown that the qualities mentioned will be maintained or improved; and where it cannot be shown that these qualities will be maintained or improved then Council will request justification of the project from the developer and may request social and environmental impact studies where appropriate.

Liquor Licences

Locations licensed for the sale of liquor for consumption away from the premises shall be a separate entity and not be directly accessible from areas licensed to sell liquor for consumption on such premises.

THAT City of Darwin, pursuant to section 144(1) of the Local Government Act, hereby delegates to the Chief Executive Officer or his delegate for the time being the power to:

- Determine grounds for objections to Liquor Licence Applications and advise the in writing of Council's objection as and when required in order to meet statutory deadlines under the Northern Territory Liquor Act.
- Submit comments on Liquor License Applications to the Licensing Commission when required to meet external deadlines.

Lot 7003 -Old Leanyer Dump Site - Transfer Of Title.

Council will pursue the acquisition of Lot 7003 which includes the old Leanyer Dump site.

Place Names

The community may submit names to Council for consideration. Proposals for place names should be accompanied by supporting reasons that can be authenticated.

When a recently deceased person's name is suggested, permission from a member of the family to use the name will need to be submitted to Council.

A public place is defined in the *Place Names Act* as:

- a) *A Natural feature (whether or not covered by water)*
- b) *A county, hundred, town, suburb or locality within a town or site for a town, a reserve within the meaning of section 7 of the Social Welfare Act or a street, road, locality or other place to which the public has access whether or not the street, road, locality or place is within a county, hundred, town or site for a town; or*
- c) *A public cemetery within the meaning of the Cemeteries Act.*

Council will consider place names which reflect existing themes associated with the history and character of Darwin as listed by the Place Names Committee.

Where no established theme exists, or where new names are sought to replace existing names, Council will consider names associated with the history and character of Darwin and the Northern Territory, including, but not limited to, the themes outlined below.

- Administrators of the Northern Territory
- Elected members from all levels of government who have served the Northern Territory
- Darwin's multicultural community, including her Sister City associations
- Prominent Territorians - people who have demonstrated outstanding merit OR people who have made an outstanding contribution to Darwin and the Northern Territory particularly in the areas of service, community, industry, leadership and personal bravery or who have achieved outstanding success in their chosen field of endeavour.
- Defence – reflecting Darwin's role in the defence of Australia
- Names of Aboriginal origin – such names will be required to have their origin in the area and their use supported by the Larrakia people.

Council will require any Estate Names advertised on public land to include the originating suburb name (eg. City Valley, Woolner). The inclusion of the originating suburb name is to ensure the identity of the suburb is not lost by the marketing name of the estate. Developers are encouraged to consult with Council about Estate Names prior to applying to the NT Place Names Committee.

Council generally prefers names to be of deceased persons. In exceptional circumstances, Council will support a name which honours a living person where that person's contribution to the Darwin community has been of outstanding benefit.

Council will allow the naming of areas within parks and reserves only where there is a recognisable and distinctive feature or a distinctive area of cultural or historical significance.

Council will consider the use of dual names (both given name/s and family name) in the naming of parks and features.

Council will only consider the use of dual names for streets and roads where it considers exceptional circumstances apply.

Names should not duplicate or nearly duplicate either in sound or spelling an existing name in the area, to avoid postal confusion.

Names should not be duplicated by using a different generic term for the road eg a court off a street of the same name.

Council will only support applications that comply with the principles of this policy. The Council will only consider names which otherwise do not fit into this policy if:

- The non-complying name in no way undermines the themes of the area of the policy; and
- There is strong reason why the non-complying name should be used in place of a name that complies with the principles of this policy

Sub Divisions - Entry Statements

Entry Statements are seen by Council developers as a necessary focus and identification of the particular subdivision areas' history and heritage, natural flora and fauna and/or built environment, and a necessary part of the infrastructure attached to and associated with subdivision development.

City of Darwin Entry Statements to be constructed on Council controlled land under special circumstances.

Approval for any such works is based on the following:

- the merit of the proposal;
- an agreement being entered into between a body corporate and Council to maintain the structure/landscaping/lighting thereby eliminating any future maintenance costs to Council; and
- payment by the developer of a once off fee to Council equal to the cost of removal and reinstatement of the area.

The Policy also permits Entry Statements within standard subdivisions that do not have bodies corporate. In the case of Strata type subdivisions, the responsibility for ongoing care and maintenance will remain with the body corporate.

Policy Criteria and Requirements

The following criteria and requirements apply and are common to both 'Standard' and 'Strata' type subdivisions:

Responsibility for determining minimum sizes of developments before they can have an Entry Statement, suburb and/or precinct name, etc is delegated to the General Manager Infrastructure.

Subject to Service Authority approval the Council will permit Entry Statements based on the merit of the proposal; adequate and appropriate attention to detail is required of developers to provide, develop, complement and maintain projects in a way that reflects the unique Darwin flora and lifestyle, history and heritage. Appropriate materials - reinforced concrete, masonry and minimum maintenance metal structures are generally acceptable, timber is not.

Approval would be based on minimisation or elimination of other liabilities such as requirements to remove or modify future service authority or other government requirements. Lighting and irrigation is to be separately metered.

Agreement

The developer will be required to enter into an agreement to:

- occupy Council road reserve;
- define expectations for performance and maintenance of the Entry Statement;
- commit to a minimum 12 month maintenance/defects liability period and be responsible for all maintenance and irrigation of the Entry Statement during the maintenance/defects liability period;
- pay a one off fee to Council equal to the cost of removal and reinstatement of the area including upgrades of footpaths and any other infrastructure.

Council reserves the right to alter, change or remove all or part of the structure at any time for whatever reason following consultation:

Standard subdivision specific conditions:

- Council will take over and be responsible for the ongoing care and maintenance of the Entry Statements at the end of the maintenance period;
- lighting, maintenance, irrigation and any other operating costs to be met by Council at the end of the maintenance period;
- the developer is required to pay a one off fee to Council equal to the estimated cost of maintenance of the Entry Statement for 5 years after off maintenance;
- the developer is required to pay a one off fee to Council equal to the estimated cost of lighting for 5 years after on maintenance;
- the developer is required to pay a one off fee to Council equal to the estimated cost of irrigation for 5 years after off maintenance; and
- Council will be responsible for lighting costs once on maintenance has been achieved.

Strata type subdivision – specific conditions

- the body corporate is to be responsible under agreement / licence with Council for the ongoing care and maintenance of the Entry Statements;
- lighting, maintenance and irrigation and any other operating costs are to be met by the body corporate. Meters to be placed on private property;
- the body corporate is to hold and maintain appropriate and approved public risk insurance indemnifying Council; and
- Council reserves the right to alter, change or remove all or part of the structure at any time for whatever reason following consultation with the body corporate.

5 Legislation, terminology and references

NT Planning Act
NT Place Names Act
City of Darwin Subdivision and Development Guidelines

6 Implementation and delegation

Where appropriate delegation is shown in the body of this policy.

TITLE: Land Use Planning - General

POLICY NUMBER: 041

ADOPTED BY: ~~Adopted~~ Council

NEXT REVIEW DATE: ~~Review Date~~

RESPONSIBILITY: General Manager Infrastructure

DOCUMENT NUMBER: ~~(NUMBER TO BE ADDED BY MSO – REMOVE THIS TEXT)~~

Version	Decision Number	Adoption Date	History
1	20/2501	23/02/2010	Adopted
2			
3			

1 Policy Summary

The intent of the policy is to provide a framework for Council's responses on applications for:

- Building over Drainage easements
- Demountable structures ~~and sea containers~~
- ~~Liquor Licences~~
- ~~Lot 7003 – Old Leanyer Dump Site – Transfer Of Title~~
- Place Names
- ~~Sub-Division entry statements.~~

~~and,~~

~~General policy statements in relation to:~~

- ~~Heritage~~
- ~~Lot 7003 – Old Leanyer Dump Site – Transfer Of Title\~~

2 Policy Objectives

To clearly establish City of Darwin's expectations in relation to various types of development and land use applications and policies in relation to sundry other land use issues for the guidance of staff, potential developers and the community at large.

3 Background

Land use planning, including place naming and development control within Darwin is the responsibility of the Northern Territory Government. However, as a body tasked with representing the interests of the Darwin community with the responsibility for 'seeking to ensure a proper emphasis on environmentally sustainable development, ~~—and a~~ proper balance between economic, social, environmental and cultural considerations' the Council provides comment to the Government and its statutory agencies, City of Darwin ~~and~~ also develops its policies reflecting the aspirations of the Council and the Darwin community.

4 Policy Statement

Building Over Drainage Easements – Conditions

If a property owner wishes to erect a structure ~~of a prefabricated nature~~ over a registered Council stormwater drainage easement or portion thereof, permission may be granted subject to the owner meeting City of Darwin requirements ~~the owner agreeing in writing to.~~ Access must be maintained for Council officers, employees or agents to the structure at all times, for the purpose of clearing any pipe or drain contained within the easement.

- ~~Fully indemnify the Council against any damage to the proposed structure as a result of any operations within the easement.~~
- ~~Pay for any damage to the stormwater pipe or other structure within the easement caused in or by the erection of the structure.~~
- ~~Lay the part of any concrete flooring or paving which is installed within 0.6 metres on either side of the centre line of the above an underground stormwater pipe in removable slabs of not more than 1.0m x 1.2m in length.~~
- ~~Allow Council officers, employees or agents access to the structure at all times for the purpose of clearing any pipe or drain contained within the easement.~~
- ~~Erect the structure according to the plan submitted and not to construct foundations running along the line of the storm water pipe closer than 1m from the centre line of the stormwater pipe within 1m from any part of the infrastructure within the easement.~~
- ~~Advise any future owners of the property of the conditions under which approval for the erection of the structure was given.~~

Pools may be able to be installed within easements provided that adequate clearance from the pool and protection of the stormwater infrastructure is provided.

No building will be permitted whatsoever over flushing and inspection stormwater pits, including driveways and solid walls will not be permitted ~~will be allowed and not to be buildings constructed~~ of brick, concrete block or concrete construction, of a solid wall will be allowed over easements.

Demountable Structures and Sea Containers Policy

The Northern Territory Planning Scheme provides a definition and assessment criteria for the placement of demountable structures on zoned land.

The Planning Scheme states that where two or less demountable structures are located on land in Zone CL, SC, LI, PS, OR, H, A, RL, R and CP and the placement complies with the other provisions of the Planning Scheme, a development permit is not required. The majority of zoned land in Council ownership is included within these zones and where permission is sought from Council for the placement of demountable structures without Planning Consent, Council will consider the following in relation to their placement:

- The appearance of the demountable structure/s will be consistent with the intended purpose and adjoining and nearby development; and
- Where the demountable structure can be viewed from a public place or an adjoining property, it should be appropriately screened, landscaped or include architectural or design treatments to enhance the appearance of the structure.

Council will consider the placement of demountable structures such as sea containers on public land, having regard for the above criteria, any external approvals and their intended function.

Demountable structures located on road reserves or other Council owned land in association with a development, will be assessed as part of the works permit process, for temporary periods, and only relating to works at the adjacent property.

The Northern Territory Planning Scheme (NTPS) (2007) defines a “demountable structure” as follows:

“...a building, including transport containers, which is wholly or substantially prefabricated and which is designed to be transported from site to site, but does not include a caravan or transportable module used in conjunction with an education establishment or used as a construction site office, or a prefabricated dwelling.”

Placement of a demountable structure on zoned land requires the consent of the Development Consent Authority (DCA).

Demountable structures and sea containers are ~~will not be~~ supported ~~by Council~~ within residential and open space zones.

Demountable structures and sea containers located within public land will be assessed as part of the works permit process, for temporary periods, and only relating to works at the adjacent property.

~~If the DCA provides approval, Council requests that the following conditions be applied:~~

- ~~The proposal for the demountable building or sea container meets the requirements of the Northern Territory Planning Scheme and should not impinge on any boundary setbacks required by the Planning Scheme.~~

- ~~The demountable building or sea container is clad with an approved material, painted a uniform colour, have a pitched approved roof, concealed footings and be landscaped.~~
- ~~The demountable building or sea container is located to the rear of the site or at minimum behind the line of the front wall of the dwelling, to minimise its impact upon the local streetscape.~~
- ~~The demountable building or sea container complies with the Northern Territory Building Act.~~
- ~~the demountable building or sea container has a personal access door which is openable from the inside at all times.~~

~~Demountable structures and sea containers are only supported for a maximum of two years within industrial and commercial zones provided that the following criteria are met:~~

- ~~The proposal for the demountable building or sea container should meet the requirements of the Northern Territory Planning Scheme and should not impinge on any boundary setbacks required by the Planning Scheme.~~
- ~~The demountable building or sea container should be clad with an approved material, painted a uniform colour, have a pitched approved roof, concealed footings and be landscaped.~~
- ~~The demountable building or sea container should comply with the NT Building Act.~~

Heritage

~~Where, after consultation with the relevant specialist, Council is of the opinion a place is inhabited by an endangered species, or is of high scientific, educational, social, cultural, aesthetic, historic, recreational or tourist importance, Council will normally oppose development at that place, unless and until it can be shown that the qualities mentioned will be maintained or improved; and where it cannot be shown that these qualities will be maintained or improved then Council will request justification of the project from the developer and may request social and environmental impact studies where appropriate.~~

Liquor Licences

~~Locations licensed for the sale of liquor for consumption away from the premises shall be a separate entity and not be directly accessible from areas licensed to sell liquor for consumption on such premises.~~

~~THAT City of Darwin, pursuant to section 144(1) of the Local Government Act, hereby delegates to the Chief Executive Officer or his delegate for the time being the power to:~~

- ~~Determine grounds for objections to Liquor Licence Applications and advise the in writing of Council's objection as and when required in order to meet statutory deadlines under the Northern Territory Liquor Act.~~
- ~~Submit comments on Liquor License Applications to the Licensing Commission when required to meet external deadlines.~~

~~Lot 7003 - Old Leanyer Dump Site - Transfer Of Title.~~

~~Council will pursue the acquisition of Lot 7003 which includes the old Leanyer Dump site.~~

~~Place Names~~

~~The Place Names Committee for the Northern Territory administers the naming of a place within the Territory.~~

~~The community may submit names to Council for consideration. Proposals for place names should be accompanied by supporting reasons that can be authenticated.~~

~~When a recently deceased person's name is suggested, permission from a member of the family to use the name will need to be submitted to Council.~~

~~A public place is defined in the Place Names Act as:~~

- ~~a) A Natural feature (whether or not covered by water)~~
- ~~b) A county, hundred, town, suburb or locality within a town or site for a town, a reserve within the meaning of section 7 of the Social Welfare Act or a street, road, locality or other place to which the public has access whether or not the street, road, locality or place is within a county, hundred, town or site for a town; or~~
- ~~c) A public cemetery within the meaning of the Cemeteries Act.~~
- ~~— a geographic or topographic feature (whether or not covered by water);~~
- ~~— a county, hundred, town, community, suburb or locality within a town or a site for a town;~~
- ~~— a highway, road, street, lane, trail or thoroughfare that is open to or used by the public;~~
- ~~— a park, garden, reserve, recreation or sporting ground that is open to or used by the public;~~
- ~~— a public cemetery within the meaning of the Cemeteries Act; and~~
- ~~— public infrastructure associated with transport facilities, educational institutions, medical institutions or nursing homes; and~~
- ~~— a place, structure or building that is or may be of public or historic interest.~~

~~Applications may be submitted to the City of Darwin for the naming of a City of Darwin asset. The application is to comply with the guidelines provided on Place Names Committee for the Northern Territory web site. The City of Darwin will consider place names which that reflect existing themes associated with the history and character of Darwin and the Northern Territory and as listed by the Place Names Committee.~~

~~If approved, the City of Darwin will provide written support to the applicant to make a further application to the Place Names Committee.~~

~~Council will consider place names which reflect existing themes associated with the~~

~~history and character of Darwin as listed by the Place Names Committee.~~

~~Where no established theme exists, or where new names are sought to replace existing names, Council will consider names associated with the history and character of Darwin and the Northern Territory, including, but not limited to, the themes outlined below.~~

- ~~• Administrators of the Northern Territory~~
- ~~• Elected members from all levels of government who have served the Northern Territory~~
- ~~• Darwin's multicultural community, including her Sister City associations~~
- ~~• Prominent Territorians — people who have demonstrated outstanding merit OR people who have made an outstanding contribution to Darwin and the Northern Territory particularly in the areas of service, community, industry, leadership and personal bravery or who have achieved outstanding success in their chosen field of endeavour.~~
- ~~• Defence — reflecting Darwin's role in the defence of Australia~~
- ~~• Names of Aboriginal origin — such names will be required to have their origin in the area and their use supported by the Larrakia people.~~

~~Council will require any Estate Names advertised on public land to include the originating suburb name (eg. City Valley, Woolner). The inclusion of the originating suburb name is to ensure the identity of the suburb is not lost by the marketing name of the estate. Developers are encouraged to consult with Council about Estate Names prior to applying to the NT Place Names Committee.~~

~~Council generally prefers names to be of deceased persons. In exceptional circumstances, Council will support a name which honors' a living person where that person's contribution to the Darwin community has been of outstanding benefit. When a recently deceased person's name is suggested, permission from a member of the family to use the name will need to be submitted to Council.~~

~~Council will allow the naming of areas within parks and reserves only where there is a recognisable and distinctive feature or a distinctive area of cultural or historical significance.~~

~~Council will consider the use of dual names (both given name/s and family name) in the naming of parks and features.~~

~~Council will only consider the use of dual names for streets and roads where it considers exceptional circumstances apply.~~

~~Names should not duplicate or nearly duplicate either in sound or spelling an existing name in the area, to avoid postal confusion.~~

~~Names should not be duplicated by using a different generic term for the road eg a court off a street of the same name.~~

~~Council will only support applications that comply with the principles of this policy. The Council will only consider names which otherwise do not fit into this policy if:~~

- ~~The non-complying name in no way undermines the themes of the area of the policy; and~~
- ~~There is strong reason why the non-complying name should be used in place of a name that complies with the principles of this policy~~

Sub Divisions - Entry Statements

Entry Statements are seen by Council developers as a necessary focus and identification of the particular subdivision areas' history and heritage, natural flora and fauna and/or built environment, and a necessary part of the infrastructure attached to and associated with subdivision development.

City of Darwin Entry Statements to be constructed on Council controlled land under special circumstances.

Approval for any such works is based on the following:

- the merit of the proposal;
- an agreement being entered into between a body corporate and Council to maintain the structure/landscaping/lighting thereby eliminating any future maintenance costs to Council; and
- payment by the developer of a once off fee to Council equal to the cost of removal and reinstatement of the area.

The Policy also permits Entry Statements within standard subdivisions that do not have bodies corporate. In the case of Strata type subdivisions, the responsibility for ongoing care and maintenance will remain with the body corporate.

Policy Criteria and Requirements

The following criteria and requirements apply and are common to both 'Standard' and 'Strata' type subdivisions:

- Responsibility for determining minimum sizes of developments before they can have an Entry Statement, suburb and/or precinct name, etc is delegated to the General Manager Infrastructure.

Subject to Service Authority approval the Council will permit Entry Statements based on the merit of the proposal; adequate and appropriate attention to detail is required of developers to provide, develop, complement and maintain projects in a way that reflects the unique Darwin flora and lifestyle, history and heritage. Appropriate materials – reinforced concrete, masonry and minimum maintenance metal structures are generally acceptable, timber is not.

Approval would be based on minimisation or elimination of other liabilities such as requirements to remove or modify future service authority or other government requirements. Lighting and irrigation is to be separately metered.

Agreement

The developer will be required to enter into an agreement to:

- occupy Council road reserve;
- define expectations for performance and maintenance of the Entry Statement;
- commit to a minimum 12 month maintenance/defects liability period and be responsible for all maintenance and irrigation of the Entry Statement during the maintenance/defects liability period;
- pay a one off fee to Council equal to the cost of removal and reinstatement of the area including upgrades of footpaths and any other infrastructure.

Council reserves the right to alter, change or remove all or part of the structure at any time for whatever reason following consultation:

Standard subdivision specific conditions:

- Council will take over and be responsible for the ongoing care and maintenance of the Entry Statements at the end of the maintenance period;
- lighting, maintenance, irrigation and any other operating costs to be met by Council at the end of the maintenance period;
- the developer is required to pay a one off fee to Council equal to the estimated cost of maintenance of the Entry Statement for 5 years after off maintenance;
- the developer is required to pay a one off fee to Council equal to the estimated cost of lighting for 5 years after on maintenance;
- the developer is required to pay a one off fee to Council equal to the estimated cost of irrigation for 5 years after off maintenance; and
- Council will be responsible for lighting costs once on maintenance has been achieved.

Strata type subdivision — specific conditions

- the body corporate is to be responsible under agreement / licence with Council for the ongoing care and maintenance of the Entry Statements;
- lighting, maintenance and irrigation and any other operating costs are to be met by the body corporate. Meters to be placed on private property;
- the body corporate is to hold and maintain appropriate and approved public risk insurance indemnifying Council; and
- Council reserves the right to alter, change or remove all or part of the structure at any time for whatever reason following consultation with the body corporate.

The context of this Policy has been included in the Subdivision Guidelines and as such it is recommended that it be removed from being a Policy Statement. There have been no issues with recent entry statements as they size, structure and maintenance requirements of them have been agreed with Council staff prior to construction.

5 Legislation, terminology and references

Legislation:

- Northern Territory Planning Act
- Northern Territory Place Names Act

Definitions:

Under the Northern Territory Planning Scheme:

“demountable structure” means a building, including transport containers, which is wholly or substantially prefabricated and which is designed to be transported from site to site, but does not include a caravan or transportable module used in conjunction with an education establishment or as a medical clinic or as a construction site office or a prefabricated dwelling;

References:

- <http://www.placenames.nt.gov.au/policies/guidelines>
- Northern Territory Planning Scheme

~~City of Darwin Subdivision and Development Guidelines~~

6 Implementation and delegation

Where appropriate delegation is shown in the body of this policy.

7 Evaluation and review

TITLE: Land Use Planning - General

POLICY NUMBER: 041

ADOPTED BY: Council

NEXT REVIEW DATE:

RESPONSIBILITY: General Manager Infrastructure

DOCUMENT NUMBER:

Version	Decision Number	Adoption Date	History
1	20/2501	23/02/2010	Adopted
2			
3			

1 Policy Summary

The intent of the policy is to provide a framework for Council's responses on applications for:

- Building over Drainage easements
- Demountable structures
- Place Names

2 Policy Objectives

To clearly establish City of Darwin's expectations in relation to various types of development and land use applications and policies in relation to sundry other land use issues for the guidance of staff, potential developers and the community at large.

3 Background

Land use planning, including place naming and development control within Darwin is the responsibility of the Northern Territory Government. However, as a body tasked with representing the interests of the Darwin community with the responsibility for 'seeking to ensure a proper emphasis on environmentally sustainable development, proper balance between economic, social, environmental and cultural considerations' the Council provides comment to the Government and its statutory agencies. City of Darwin also develops its policies reflecting the aspirations of the Council and the Darwin community.

4 Policy Statement

Building Over Drainage Easements – Conditions

If a property owner wishes to erect a structure over a registered Council stormwater drainage easement or portion thereof, permission may be granted subject to the owner meeting City of Darwin requirements. Access must be maintained for Council officers, employees or agents to the structure at all times, for the purpose of clearing any pipe or drain contained within the easement.

Pools may be able to be installed within easements provided that adequate clearance from the pool and protection of the stormwater infrastructure is provided.

No building will be permitted over stormwater pits, including driveways and solid walls will not be permitted to be constructed over easements.

Demountable Structures

The Northern Territory Planning Scheme provides a definition and assessment criteria for the placement of demountable structures on zoned land.

The Planning Scheme states that where two or less demountable structures are located on land in Zone CL, SC, LI, PS, OR, H, A, RL, R and CP and the placement complies with the other provisions of the Planning Scheme, a development permit is not required. The majority of zoned land in Council ownership is included within these zones and where permission is sought from Council for the placement of demountable structures without Planning Consent, Council will consider the following in relation to their placement:

- The appearance of the demountable structure/s will be consistent with the intended purpose and adjoining and nearby development; and
- Where the demountable structure can be viewed from a public place or an adjoining property, it should be appropriately screened, landscaped or include architectural or design treatments to enhance the appearance of the structure.

Council will consider the placement of demountable structures such as sea containers on public land, having regard for the above criteria, any external approvals and their intended function.

Demountable structures located on road reserves or other Council owned land in association with a development, will be assessed as part of the works permit process, for temporary periods, and only relating to works at the adjacent property.

Place Names

The Place Names Committee for the Northern Territory administers the naming of a place within the Territory.

Applications may be submitted to the City of Darwin for the naming of a City of Darwin asset. The application is to comply with the guidelines provided on Place Names Committee for the Northern Territory web site. The City of Darwin will consider place names that reflect existing themes associated with the history and character of Darwin and the Northern Territory and as listed by the Place Names Committee.

If approved, the City of Darwin will provide written support to the applicant to make a further application to the Place Names Committee.

5 Legislation, terminology and references

Legislation:

- Northern Territory Planning Act
- Northern Territory Place Names Act

Definitions:

Under the Northern Territory Planning Scheme:

*“**demountable structure**” means a building, including transport containers, which is wholly or substantially prefabricated and which is designed to be transported from site to site, but does not include a caravan or transportable module used in conjunction with an education establishment or as a medical clinic or as a construction site office or a prefabricated dwelling;*

References:

- <http://www.placenames.nt.gov.au/policies/guidelines>
- Northern Territory Planning Scheme

6 Implementation and delegation

Where appropriate delegation is shown in the body of this policy.

7 Evaluation and review

**ENCL: ENVIRONMENT & INFRASTRUCTURE
YES MEETING/OPEN**

AGENDA ITEM: 10.1.2

**REVIEW OF CITY OF DARWIN POLICY NO. 038 - BACKPACKER HOSTEL
ACCOMMODATION AND CITY OF DARWIN POLICY NO. 039 - BED AND
BREAKFAST**

REPORT No.: 16TS0169 NS:hd

COMMON No.: 2078949

DATE: 18/10/2016

Presenter: Manager Design, Planning & Projects, Drosso Lelekis

Approved: General Manager Infrastructure, Luccio Cercarelli

PURPOSE

The purpose of this report is to present to the Committee a review of *City of Darwin Policy No. 038 - Backpacker Hostel Accommodation* and *City of Darwin Policy No. 039 - Bed and Breakfast*.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

Goal

5 Effective and Responsible Governance

Outcome

5.4 Effective leadership and advocacy

Key Strategies

5.4.2 Advocate on behalf of the community

KEY ISSUES

- City of Darwin Policy No. 038 - Backpacker Hostel Accommodation and City of Darwin Policy No. 039 - Bed and Breakfast were last reviewed in 2010 and are now due for review.
- It is recommended that the two policies are rescinded.
- The Northern Territory Planning Scheme provides definitions and provisions for backpacker hostel and bed and breakfast accommodation uses.
- Development applications are assessed in accordance with the minimum provisions of the Northern Territory Planning Scheme and any relevant City of Darwin Policy or procedure.

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RECOMMENDATIONS

THAT it be a recommendation to Council:

- A. THAT Report Number 16TS0169 NS:hd entitled review of *City of Darwin Policy No. 038 - Backpacker Hostel Accommodation* and *City of Darwin Policy No. 039 - Bed and Breakfast* be received and noted.
- B. THAT Council rescind *City of Darwin Policy No. 038 - Backpacker Hostel Accommodation*.
- C. THAT Council rescind *City of Darwin Policy No. 039 - Bed and Breakfast*.

BACKGROUND

Council adopted both *City of Darwin Policy No. 038 - Backpacker Hostel Accommodation* and *City of Darwin Policy No. 039 - Bed and Breakfast* on the 23 February 2010 after being reviewed and reformatted to the new Policies and Procedures Framework at that time.

DISCUSSION

Each of the existing policies is discussed below in detail for Council consideration:

City of Darwin Policy No. 038 - Backpacker Hostel Accommodation:

The policy objectives are to provide a positive memory of a visitor's time in Darwin and ensure backpacker hostels are:

- Convenient and offer a high level of amenity to the visitor.
- Located appropriately to limit impacts on residential development.
- Developed in accordance with the Scheme, Crime Prevention Through Environmental Design (CPTED) Principles and Commonwealth Guidelines.

The existing policy is available as at **Attachment A**.

The *Northern Territory Planning Scheme* (the scheme) defines a *hostel* as including "boarding houses, guest houses, lodging houses and other premises used to provide board or lodging with communal toilet, ablution, dining or cooking facilities but does not include **home based visitor accommodation** or a **group home**".

The Scheme 'prohibits' the development of hostels in areas that would typically be sensitive to the nature of a hostel use e.g. lower density residential and industrial areas, community uses and conservation land. Where hostels aren't prohibited they are 'discretionary' uses and therefore require planning approval and due to the nature of the use, Council would be afforded the opportunity to provide comment as per the due processes.

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Clause 7.8, Building Design for Multiple Dwellings, Hostels and Supporting Accommodation of the Scheme promotes site responsive designs for hostels “which are pleasant for the occupants and do not unreasonably affect the use and enjoyment of adjacent land”.

Clause 7.8 provides provisions for building design, refer to **Attachment C**.

Additional provisions relating to; car parking, density, heights, setbacks, communal open space, landscaping and building design would also guide any application assessment.

The existing policy provides statements related to communal areas, facilities and sleeping quarters for visitors. Whilst these ideals may provide a better outcome for visitors, considering Council’s role in planning decisions, the City of Darwin’s ability to actually influence such ideals would be rather limited.

It is considered that all other objectives of the existing policy are adequately supported by the provisions of the Scheme. Upon receiving an application for a hostel, City of Darwin staff will assesses an application in accordance with the minimum provisions of the Scheme and any relevant City of Darwin Policies and procedures.

City of Darwin Policy No. 039 - Bed and Breakfast:

The policy objectives are to ensure bed and breakfast accommodation:

- is designed to minimise impacts on adjoining residential areas,
- is developed in accordance with the requirements of the Scheme,
- aid in the appropriate development of an alternative form of accommodation for visitors.

The existing policy is available as at **Attachment B**.

The Scheme defines *home based visitor accommodation* as “temporary accommodation provided on the premises of a **dwelling** by the resident of that **dwelling**, as a commercial enterprise for persons away from their normal place of residence but does not include a **hostel**”.

The Scheme ‘prohibits’ the development of home based visitor accommodation in areas that would typically not allow for residential development e.g. commercial and industrial areas or community uses and conservation land. Where home based visitor accommodation is not prohibited within the Scheme, the use is ‘self assessable’ and therefore only requires planning approval if the specific provisions of Clause 7.10.1 of the Scheme are not met.

If a development complied with the provisions of Clause 7.10.1 of the Scheme, Council would not be afforded the opportunity to provide comment. Only where a

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development did not comply would an application be required to be made and Council would be afforded the opportunity to provide comment as per the due processes.

The purpose of *Clause 7.10.1, Home Based Visitor Accommodation* of the Scheme is to ensure that such accommodation “does not detract from the amenity of the locality and primary purpose of the zone in which the use is established”.

Clause 7.10.1 provides provisions specific to home based visitor accommodation, refer to **Attachment D**.

It is considered that objectives of the existing policy are adequately represented by the provisions of the Scheme. Upon receiving an application for home based visitor accommodation, City of Darwin staff will assess an application in accordance with the minimum provisions of the Scheme and any relevant City of Darwin Policies and Procedures.

Summary

The City of Darwin is a ‘Service Authority’ in planning terms and therefore has limited influence in planning decisions. The Scheme provides definitions and provisions for backpacker hostel and bed and breakfast accommodation which are generally consistent with the objectives of Council's existing policies.

It is therefore recommended that Council rescind *City of Darwin Policy No. 038 - Backpacker Hostel Accommodation* and *City of Darwin Policy No. 039 - Bed and Breakfast*.

CONSULTATION PROCESS

This report was considered by the Executive Leadership Team on Monday 10 October 2016 and is now referred to the Environment and Infrastructure Committee for consideration.

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

- Town Planner
- Strategic Town Planner

POLICY IMPLICATIONS

For reasons outlined above it is recommended that Council rescind existing *City of Darwin Policy No. 038 - Backpacker Hostel Accommodation* and *City of Darwin Policy No. 039 - Bed and Breakfast*.

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BUDGET AND RESOURCE IMPLICATIONS

Not assessed.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

The *Northern Territory Planning Scheme* provides provisions related to development of backpacker hostel and bed and breakfast accommodation.

Development of backpacker hostel and bed and breakfast accommodation will be required to comply with all other relevant legislation such as, but not limited to, building, health, disability access and noise regulations.

ENVIRONMENTAL IMPLICATIONS

Not assessed.

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, PLANNING &
PROJECTS

LUCCIO CERCARELLI
GENERAL MANAGER
INFRASTRUCTURE

For enquiries, please contact Cindy Robson on 8930 0528 or email:
c.robson@darwin.nt.gov.au.

Attachments:

- Attachment A:** *City Of Darwin Policy No. 038 - Backpacker Hostel Accommodation*
- Attachment B:** *City of Darwin Policy No. 039 - Bed and Breakfast*
- Attachment C:** *Clause 7.8, Building Design for Multiple Dwellings, Hostels and Supporting Accommodation*
- Attachment D:** *Clause 7.10.1, Home Based Visitor Accommodation*

Title: *Backpacker Hostel Accommodation*

Policy No: *038*

Adopted By: *Council*

Next Review Date: *23/02/2014*

Responsibility: *General Manager Infrastructure*

Document Number: *2118377*

Version	Decision Number	Adoption Date	History
1	20\2501	23/02/10	Adopted
2			
3			
4			

1 Policy Summary

This policy:

- Guides Council comments to the Development Consent Authority on development applications for backpacker hostel accommodation;
- Allows applicants to be aware of the level of support Council will offer their proposals.

2 Policy Objectives

Council's goal is for Backpacker Hostel Accommodation to leave its patrons with a positive memory of their stay in Darwin, ultimately impacting on Darwin's reputation as a desirable backpacker's and tourist destination.

This policy aims to ensure Backpackers Hostels are:

- Convenient and offer a high level of amenity to the backpacker;
- Located in appropriate locations, with no detrimental impact on residential properties; and
- Developed in accordance with the Planning Scheme, Crime Prevention Through Environmental Design (CPTED) Principles and Commonwealth Guidelines.

3 Background

This policy addresses the main concerns which Council has raised in previous development applications for Backpackers Hostels.

4 Policy Statement

This policy

- Applies to the whole of the Darwin Municipal area; and
- Accepts that the relevant authorities will address the requirements of the Building Code of Australia (including fire safety requirements), and the Public Health (Nuisance Prevention) Regulations, Territory Health Services.

It is a policy of Council that it will favourably consider Development Applications for Backpacker Hostel Accommodation provided:

- Communal areas are provided within the premises which create a pleasant environment for guests to relax and socialise;
- Adequate facilities are provided to cater for the basic needs of guests;
- Sleeping quarters are appropriate, pleasant and safe;
- Hostels and like accommodation are in locations which are convenient to public transport, shopping facilities, major tourist attractions and which do not negatively impact on residences;
- That they do not negatively impact on the amenity of the surrounding location.

Communal Areas

- Objective
 - To provide a pleasant environment within the premises for guests to relax and socialise.
- Standards
 - Provide at ground level a communal landscaped area not less than 30% of the area of the site being not less than 6 metres wide at any point, in accordance with the requirements of the Town Plan.
 - A waiver to the Town Plan may be supported for premises within the CBD, where a landscaped outdoor area as outlined above, is provided above ground level (eg. at a terrace level).
 - No waiver to the Town Plan will be supported for premises outside the CBD.
 - Provide a communal space protected from both rain and sun and being not less than 6 metres wide at any point. This could be either an indoor area or be part of the landscaped area as discussed above.
 - Provide a landscape buffer visually screening carparking from both outdoor and indoor communal areas.
 - A landscaping plan with full details of specifications and location of all proposed and existing plantings should be included in the development application, or be required as a condition of consent.

Facilities

- Objective
 - To provide adequate facilities on site to cater for the basic needs of guests.

- Standards
 - Kitchen facilities shall be provided with basic cooking utensils, cook tops and sinks. Backpackers regularly cook their own meals in an attempt to keep within their budgets even when cheap restaurant facilities are available (as within the CBD).
 - Clothes washing and drying facilities shall be provided within the hostel.
 - Toilet and shower facilities shall be located with convenient access to bedrooms and shall offer guests privacy particularly regarding gender separation.

Sleeping Quarters Amenity

- Objective
 - To provide comfortable, pleasant and safe sleeping quarters.
- Standards
 - Dormitory accommodation of more than 8 beds per room will not be supported.
 - Storage for backpacks should be provided to achieve amenity within the room, security for belongings, and to ensure the luggage does not obstruct access to emergency exits.
 - Evidence from Territory Health Services should be required as a condition of consent to ensure suitability of the proposed guest numbers and premises.

Location

- Objective
 - To locate Backpacker Hostels in locations, which are convenient to public transport, shopping facilities and major tourist attractions, and which do not negatively impact on residences.
- Standards
 - The main impacts of Backpacker Hostels are noise and traffic. Therefore Council will generally not support such accommodation in predominantly residential areas, or in central areas abutting low density residential properties. Backpacker Hostels will generally be supported in principle within the CBD and surrounding areas as the potential impacts on the amenity of surrounding properties are minimised in these commercial and higher density areas.
 - Hostels should be located within walking distance of shopping facilities, public transport and major tourist attractions as many travel by foot in an attempt to reduce their travelling costs.

Impacts

- Objective
 - To ensure Backpacker Hostels do not negatively impact on the amenity of the surrounding location.

- Standards
 - A landscape buffer should be provided to visually screen carparking from roads, to ensure visual amenity of the streetscape is not negatively impacted upon.
 - Council will not support any waiver to on-site carparking requirements of the Town Plan. This is to ensure no increase to on-road carparking congestion.
 - A 1.8 metre fence shall be required along any boundary with a residential property. This is intended to provide security and privacy to the residential property. If the fence does not provide visual privacy, then landscaping shall be provided which visually screens the hostel from the residential property to a height of at least 1.8 metres.
 - Communal rooms, kitchens and communal outdoor areas shall be located such that they do not face residential properties. This will help to ensure visual and acoustic privacy of the adjoining residences.

5 Legislation, terminology and references

- NT Planning Scheme 2007;
- Building for Backpackers – Guidelines for Backpacker accommodation, Commonwealth Department of Tourism;
- CPTED Principles

20\250Title: *Bed and Breakfast*

Policy No: *039*

Adopted By: *Council*

Next Review Date: *23/02/2014*

Responsibility: *General Manager Infrastructure*

Document Number: 2118379

Version	Decision Number	Adoption Date	History
1	20\2501	23/02/10	Adopted
2			
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1 Policy Summary

This Policy:

- Guides Council comments to the Development Consent Authority on development applications.
- Allows applicants to be aware of the level of support Council will offer proposals.

2 Policy Objectives

This policy aims to ensure Bed and Breakfast Accommodation:

- Is designed to minimise impacts on adjoining residential areas
- Developed in accordance with the Planning Scheme

Council's goal is to aid in the appropriate development of an alternative form of accommodation for guests.

3 Background

This policy addresses concerns raised by Council and the community in relation to bed and breakfast accommodation. Darwin's reputation as a desirable tourist destination is influenced by visitor satisfaction levels with accommodation standards.

4 Policy Statement

This policy:

- Applies to the whole of the Darwin Municipal area; and
- Accepts that the relevant authorities will address the requirements of the Building Code of Australia (including fire safety requirements) and the Public Health (Nuisance Prevention) Regulations, Territory Health Services.

It is a policy of Council that it will consider Development Applications for Bed and Breakfast Accommodation favourably provided they:

- Operate from a dwelling;
- Do not detract from local amenity;
- Provide appropriate level of access and facilities; and
- An Assessment of the impact on the locality is carried out.

Location

- Objective
 - *To ensure bed and breakfast accommodation is established in and operates from a dwelling.*
- Standard
 - Accommodation is provided within residential dwellings in residential zones (including rural residential zones).

Impacts

- Objective
 - *To ensure bed and breakfast accommodation does not detract from the amenity of the surrounding location.*
- Standards
 - Council will not support a waiver to the NT Planning Scheme requirement for no more than 5 guests to be accommodated at any one time.
 - Council will not support a waiver to on-site carparking requirements of the NT Planning Scheme. This is to ensure no increase to on-road carparking congestion.
 - The extent of any business identification signage should not exceed the provisions of Council's Advertising Signs Code.
 - A landscape buffer should be provided to visually screen carparking from roads, to ensure visual amenity of the streetscape is not negatively impacted upon.
 - Communal areas shall be located such that they do not directly abut neighbouring houses. This will help to ensure visual and acoustic privacy of the adjoining residences.
 - Council will support the imposition of a development condition to limit noise levels from the premises so they do not exceed acceptable neighbourhood noise levels in volume or duration.

Access and Facilities

- Objective
 - *To ensure bed and breakfast accommodation provides an appropriate and acceptable level of access and facilities for guests.*
- Standards
 - Provision is made for disabled parking, access and facilities.
 - Council does not support liquor licences being granted for premises established as bed and breakfast accommodation.

Process

- Objective
 - *To ensure the planning process includes a thorough assessment of the impact of the establishment of bed and breakfast accommodation on the surrounding locality.*
- Standard

Where there has been strong public concern or opposition raised in relation to a proposal for bed and breakfast accommodation, Council supports the granting of a temporary permit for a period not exceeding 2 years, in order to assess the impact of the proposal on the surrounding residential area.

5 Legislation, terminology and references

When assessing a development application Council will do so against the following:

- Requirements of the NT Planning Scheme

ATTACHMENT C

7.8 BUILDING DESIGN FOR MULTIPLE DWELLINGS, HOSTELS AND SUPPORTING ACCOMMODATION

1. The purpose of this clause is to promote site-responsive designs for **hostels, multiple dwellings** and **supporting accommodation** which are pleasant for the occupants and do not unreasonably affect the use and enjoyment of adjacent land.
2. Building design should:
 - (a) locate development on the **site** for correct solar orientation;
 - (b) minimise expanses of walls by varying building heights, **building setbacks** and façades;
 - (c) locate air conditioners where they are accessible for servicing;
 - (d) conceal service ducts, pipes, air conditioners, air conditioning plants etc;
 - (e) avoid overlooking of private open spaces and **habitable rooms** of adjacent residences on the same and adjacent **sites**;
 - (f) locate bedrooms and private open spaces away from noise sources;
 - (g) control its own noise sources and minimise the transmission of noise between **dwellings**;
 - (h) where close to high noise sources (such as busy roads and airport flight paths), be of appropriate acoustic design and construction;
 - (i) balance the achievement of visual and acoustic privacy with passive climate control features;
 - (j) allow breeze penetration and circulation;
 - (k) minimise use of reflective surfaces; and
 - (l) provide internal drainage of balconies and coving on the edge of balconies.

ATTACHMENT D

7.10 ASSOCIATED RESIDENTIAL USES

7.10.1 Home Based Visitor Accommodation

Amendment No. 279
gazetted 08.05.2013
omits and substitutes
clause 7.10.1

1. The purpose of this clause is to ensure that **home based visitor accommodation** does not detract from the **amenity** of the locality and primary purpose of the zone in which the use is established.
2. **Home based visitor accommodation** must:
 - (a) meet the requirements of sub-clauses 3 and 4; and
 - (b) not gain access from a road that is in Zone M (Main Road); in order to be permitted with self assessment.
3. **Home based visitor accommodation:**
 - (a) is provided on the premises of a **dwelling**;
 - (b) may not operate if the **dwelling** is a **multiple dwelling**;
 - (c) may only operate on a lot with an area of at least 600m²;
 - (d) may not accommodate more than six guests at a time on the premises;
 - (e) may only occur if the person or persons operating the use reside on the premises;
 - (f) may only display a **business sign** that is not more than 0.5m² in area;
 - (g) must provide all car parking spaces on-site; and
 - (h) must provide one **car parking space** for every guest room and two car parking spaces for the residents of the **dwelling**.
4. Despite anything to the contrary in this Planning Scheme, a **car parking area** provided for **home based visitor accommodation** should be designed to:
 - (a) be of a suitable gradient for safe and convenient parking;
 - (b) be sealed and well drained; and
 - (c) be functional in design to allow for safe traffic movement and may include tandem parking where one car parks behind another.
5. Despite anything to the contrary in this Planning Scheme, the consent authority may **consent** to an illuminated **business sign** for home **based visitor accommodation** in Zones H, A, RL and R as long as the sign is not more than 0.5m² in area and only if the consent authority is satisfied that the level of illumination is appropriate to the **site** having regard to the potential impact on the residential **amenity** of adjoining and nearby properties.
6. The consent authority may approve an application for **home based visitor accommodation** that accommodates more than six guests only if it is satisfied the use is appropriate to the **site** having regard to the potential impact of the use on the residential **amenity** of adjoining and nearby property and where the combined total number of residents and guests is no more than twelve.

Clause 13.2 Land Adjacent to Main Roads requires approval to gain access from a main road.

Home based visitor accommodation needs to meet the requirements of the Building Code of Australia as Class 1b.

7. The consent authority may approve an application for **home based visitor accommodation** that is not in accordance with sub-clauses 3(e), 3(f), 3(g), 3(h) and 4, only if it is satisfied the proposed **home based visitor accommodation** is appropriate to the **site** having regard to the **amenity** of the streetscape, the effect of vehicle parking on the **amenity** and character of the street and the potential impact of the use on the residential **amenity** of adjoining and nearby property.

OPEN SECTION

E&I10/8

Environment & Infrastructure Committee Meeting – Tuesday, 18 October 2016

10.2 OFFICERS REPORTS (RECEIVE & NOTE)

**ENCL: ENVIRONMENT & INFRASTRUCTURE
NO COMMITTEE/OPEN**

AGENDA ITEM: 10.2.1

TREE MANAGEMENT AUDIT - LEASED PROPERTIES - OCTOBER UPDATE

REPORT No: 16TS0158 KS:jh

COMMON No: 2809737

DATE: 18/10/2016

Presenter: Manager Infrastructure Maintenance, Kerry Smith

Approved: General Manager Infrastructure, Luccio Cercarelli

PURPOSE

The purpose of this report is to inform Council of progress to date on tree management audits on leased properties owned by Council.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 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 has a tree assessment program.
- The Northern Territory Coroner has recommended that all trees on Council owned land be inspected twice per year.
- A first round of tree assessments on leased properties has been completed.
- Council's existing tree assessment procedure is being further developed to ensure it addresses appropriate factors.
- Council has engaged independent expertise to assist with developing procedures for assessing trees.
- The procedures for assessing trees on Council owned land have been updated with some further work to be completed. It is intended that this will assist in addressing the balance of the Coroner's recommendations.
- A total of 24 leased properties have been identified for a minimum of twice yearly inspections.

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 REPORT NUMBER: 16TS0158 KS:jh
 SUBJECT: TREE AUDIT PROCESS - LEASED PROPERTIES - OCTOBER UPDATE

RECOMMENDATIONS

THAT it be a recommendation to Council:-

THAT Report Number 16TS0158 KS:jh entitled Tree Management Audit - Leased Properties – October Update, be received and noted.

BACKGROUND

Following the release of the Coroners' report in 2016 regarding a fatality from a falling branch, Council was required to take action to increase the management of trees within leased properties. Report Number 16A0063 LC:je (17/05/16) was presented to Council on 17 May 2016. The recommendations from that report are as follows:

Implementation of Coroner's Recommendations – Inquest into Death of Mr William Brown

Report No. 16A0063 LC:je (17/05/16) Common No. 2809737

- A. *THAT Report Number 16A0063 LC:je entitled Implementation of Coroner's Recommendations – Inquest into Death of Mr William Brown be received and noted.*
- B. *THAT Council immediately adopt the Coroner's recommendations that:*
 - i. *That the City of Darwin conduct an audit of all current leases and ensure inclusion within their terms for:*
 - *the compulsory inspection of all trees on such property/ies at least every six (6) months;*
 - *such compulsory inspections to be conducted by a qualified arborist;*
 - *specific provision as to who bears responsibility for the costs of such inspections and/or any works recommended to be carried out as a result of the same.*
 - ii. *That the City of Darwin ensure all future leases include within their terms:*
 - *the compulsory inspection of all trees on such property/ies at least every six (6) months;*
 - *such compulsory inspections to be conducted by a qualified arborist;*
 - *specific provision as to who bears responsibility for the costs of such inspections and/or any works recommended to be carried out as a result of the same.*
- C. *THAT a further report be brought back to Council detailing the outcomes and recommendations from a review of Council's systems, policies and procedures in relation to the inspection of trees generally within Council owned and controlled land.*
- D. *THAT Council create a new cash backed reserve to be named "Tree*

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Risk Management” for the purpose of undertaking tree inspections and follow up work relating to the 2016 Coroner’s recommendations.

- E. *THAT pursuant to Section 128 of the Local Government Act Council amend the 2015/2016 budget by transferring \$12,000 from the Disaster Contingency Reserve and \$88,000 from the Sale of Land Reserve to the tree risk management reserve.*
- F. *THAT the 2016/2017 draft budget contains an amount of \$400,000 to be allocated to the tree risk management reserve.*

DECISION No.21\4394 (17/05/16)

The Coroner’s report made a recommendation that all trees on Council leased land be inspected and assessed twice per annum. In addition, further recommendations were made in relation to all trees on Council owned land. This is still under review. This report updates Council in regards to audit procedures and leased property audits.

DISCUSSION

Council has continued to review tree risk assessment procedures for trees on Council owned land. This work is intended to build on existing procedures, address outstanding matters and further mitigate risks.

Council has been reviewing the processes and procedures for assessing trees, documenting the assessment and managing historical data on individual trees or locations, to address relevant findings of the Coroner and to update other related matters. This work is almost complete. Tasks and programmes completed to date are:

- existing quarterly tree assessments on potential high risk areas have continued and recommendations actioned.
- All leased properties have had a tree risk assessment completed and a bi-annual programme has been implemented, with inspections to occur in October and April.
- Recommended pruning and/or removals identified by Council have been completed on all leased properties, with the exception of sites including the Fannie Bay Equestrian Club, Alawa Oval, Old Leanyer Depot Site and Doctors Gully – Rock Centre. These are due to be completed by 31 October 2016.

Council has completed tree risk assessments to a number of locations throughout the municipality on a quarterly basis since 2008. The current review process has considered the existing programme and updated it to include the bi-annual inspections of leased properties. A summary of quarterly and bi-annual assessment locations is as follows:

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Quarterly assessments

A total of 61 locations including:

- Child Care centres,
- streets surrounding schools,
- weekend market areas,
- Darwin General Cemetery,
- Smith Street Mall and Raintree Park,
- Fun Bus locations,
- various locations with high traffic volumes and large mature trees.

Bi-annual Assessments

A total of 16 sites including:

- Council's swimming pools,
- Cullen Bay,
- Mindil Beach/Casino leased portions,
- commercial leased areas,
- community gardens.

There are some recommendations that have been identified through this review to the tree risk assessment process, which remain under consideration. The items that continue to be considered and assessed are:

- the level of qualifications appropriate for carrying out assessments,
- appropriate software to support the assessments and retain data,
- the methodology for including or excluding a tree within an assessment programme based on species, size and location.

Once all the factors noted above have been finalised and are incorporated into the tree assessment process there will be an ongoing system of review.

Once the review has been completed a further report will be presented to Council addressing outstanding matters and the Coroners recommendations.

CONSULTATION PROCESS

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

- Team Leader Urban Forest Management Team
- Team Coordinator Parks and Reserves

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

- Sully Pty. Ltd.

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POLICY IMPLICATIONS

City of Darwin Policy No. 050 - Trees on Verges – Conservation, provides guidance on the management of trees on Council owned land.

BUDGET AND RESOURCE IMPLICATIONS

A Tree Risk Management reserve was established and currently has a balance of \$500,000.

The estimated cost of assessments to date is in the order of \$18,000, however it is noted that some of this cost are within existing tree inspection programs.

The cost to complete tree works at the Gardens Park Golf Course from the first round of assessments is \$91,000, excluding GST. The estimate to complete the recommended pruning of trees within the four remaining sites is \$105,000 excluding GST.

All work done through the existing quarterly tree inspection process, including those which are also leased properties, is funded from operational budgets as this is a current program.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

All trees have a risk of failure. As trees increase in size, mass and maturity, the risk of failure increases.

This program is designed to mitigate Council risk exposure on lease properties.

ENVIRONMENTAL IMPLICATIONS

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

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.

KERRY SMITH
MANAGER INFRASTRUCTURE
MAINTENANCE

LUCCIO CERCARELLI
GENERAL MANAGER
INFRASTRUCTURE

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OPEN SECTION

E&I10/9

Environment & Infrastructure Committee Meeting – Tuesday, 18 October 2016

11. INFORMATION ITEMS

Nil

12. GENERAL BUSINESS