

COUNCIL REPORT

2nd Ordinary Council Meeting

AGENDA ITEM:	13.1.2
REPORT TITLE:	Laneway Closure Request - Castor Court
MEETING DATE:	Tuesday 16 November 2021
AUTHOR:	City Operations Manager, Michael Taylor
APPROVER:	Director City Growth and Operations, Nadine Nilon

COMMUNITY PLAN

Family and Community: Palmerston is a safe and family friendly community where everyone belongs.

PURPOSE

This Report provides Council with an update on the Castor Court Laneway Closure request in accordance with the Laneway Management Policy.

KEY MESSAGES

- A laneway closure application was submitted to Council 4 October 2021 for Castor Court, Woodroffe.
- Since March 2020 Castor Court laneway has undergone temporary part time closure treatment, with daily closures from no earlier than 9:00pm, to no later than 6:30am.
- It has been assessed that the Castor Court Laneway does not function as overland flow relief during severe rainfall events, and therefore conforms to Section 4.3.1(a) of the Laneway Management Policy.
- Average daily use over 22 days was calculated to be 14.45, which conforms to Section 4.3.1(e) of the Laneway Management Policy that requires laneway use to be less than 30 movements per day.
- Council has surveyed owners and residents from 9 of the 20 properties in Bailey Circuit, in accordance with Section 4.2.2.1(b) of the Laneway Management Policy. Of the responses, 56% supported the closure, 22% were against the closure and 22% provided a neutral stance.
- Laneway Category was calculated in accordance with the approved methodology and found to be 30.06, placing it in Category High. As per Section 4.3.1(b) of the Laneway Management Policy, Category High should not be considered for permanent closure of a laneway due to impact on accessibility to various vital community services/assets, in particular for Castor Court laneway, a bus stop and park.
- Underground services within the laneway include PWC power, PWC water, Telstra and stormwater infrastructure. Should a laneway closure be considered, these underground services will impact option on how to subdivide the land and determine easement requirements and service authority approvals.

RECOMMENDATION

1. THAT Report entitled Laneway Closure Request - Castor Court be received and noted.
2. THAT Council declines the Castor Court laneway closure request due to the laneway not meeting the required closure requirements of Council's *Laneway Management Policy*.
3. THAT the night-time closure of the Castor Court laneway continue for a further 12 months, with a review no later than December 2022.

4. THAT the Mayor write to the relevant Minister(s) in relation to anti-social behaviour and potential multi-agency approach to address reported issues in Castor Court, Woodroffe.

BACKGROUND

In November 2020, Council adopted its *Laneway Management Policy* (the Policy) with the purpose of preserving the network of laneways and guiding decisions when responding to laneway treatment requests. Currently 18 laneways are receiving some form of closure treatment. This Report will focus on the Castor Court laneway.

The purpose of the Policy is to avoid the retention of small and isolated parcels of land held by Council that serve no long-term benefit or purpose for the community. There are currently seven temporary full-time closures of laneways, with one undergoing permanent closure steps.

Prior to the adoption of the Policy, Council assessed individual requests for laneway closures as they occurred. From 14 February 2019 to 6 March 2020 Council conducted consultation with the Palmerston community about the Laneway Treatment trials underway at the time. Results from the consultation were presented to Council in March 2020 with a recommendation that a report be prepared for the 2nd Ordinary Council Meeting in June 2020, assessing potential laneway treatments for laneways raised through the consultation process, including options for closure for eight listed laneways, with Castor Court being one of the laneways. At the meeting, Council resolved to implement temporary night-time closures prior to further assessment.

At the 2nd Ordinary Council Meeting of 17 March 2020 Council made the following decision:

Trial of Laneway Treatments - Update March 2020

4. THAT Council implement temporary night time closures, between the hours no earlier than 9:00pm and no later than 6:30am for the following laneways:
 1. Castor Court to Temple Terrace, Woodroffe;
 2. Capella Court to Temple Terrace, Woodroffe;
 3. Zenith Circuit to Star Court, Woodroffe;
 4. Sibbald Crescent to Gunter Circuit, Woodroffe;
 5. Sextant Court to Harrison Circuit, Woodroffe;
 6. Bailey Circuit to President Park, Driver;
 7. Tilston Avenue to Caladium Court, Moulden; and
 8. Strawbridge Crescent to Chung Wah Terrace crossed with Cobham Court to Lockwood Court, Moulden.

With a report outlining the evidence based approach outcomes for treatments to be presented to the 2nd Ordinary Meeting in June 2020.

CARRIED 9/1038 - 17/03/2020

Since March 2020 Castor Court laneway has undergone temporary part time closure treatment, with daily closures from no earlier than 9:00pm, to no later than 6:30am.

A laneway closure application was submitted to Council 4 October 2020 for Castor Court, Woodroffe. An incomplete closure application submitted 27 July 2021, however there were ongoing discussions and

activities occurring with the applicant prior to, and after, the submission. Separate to the laneway closure request, Council has completed works to improve functionality of the laneway gates.

This Report reviews the closure request for Castor Court in accordance with the Laneway Management Policy and presents recommendations based on assessments to date.

DISCUSSION

Castor Court laneway in Woodroffe provides pedestrian connectivity from Castor Court to Temple Terrace, with pathways providing connectivity across Temple Terrace to another laneway to Cycasas Court and Commelina Court, onwards to Frenela Park. The images below show the local pathway network (in yellow), the two properties abutting the laneway, and ground views of the Laneway and gate infrastructure. Castor Court laneway facilitates access to a nearby bus stop and Frenela Park. The laneway currently has temporary part time closure treatment, with daily closures from no earlier than 9:00pm, to no later than 6:30am.

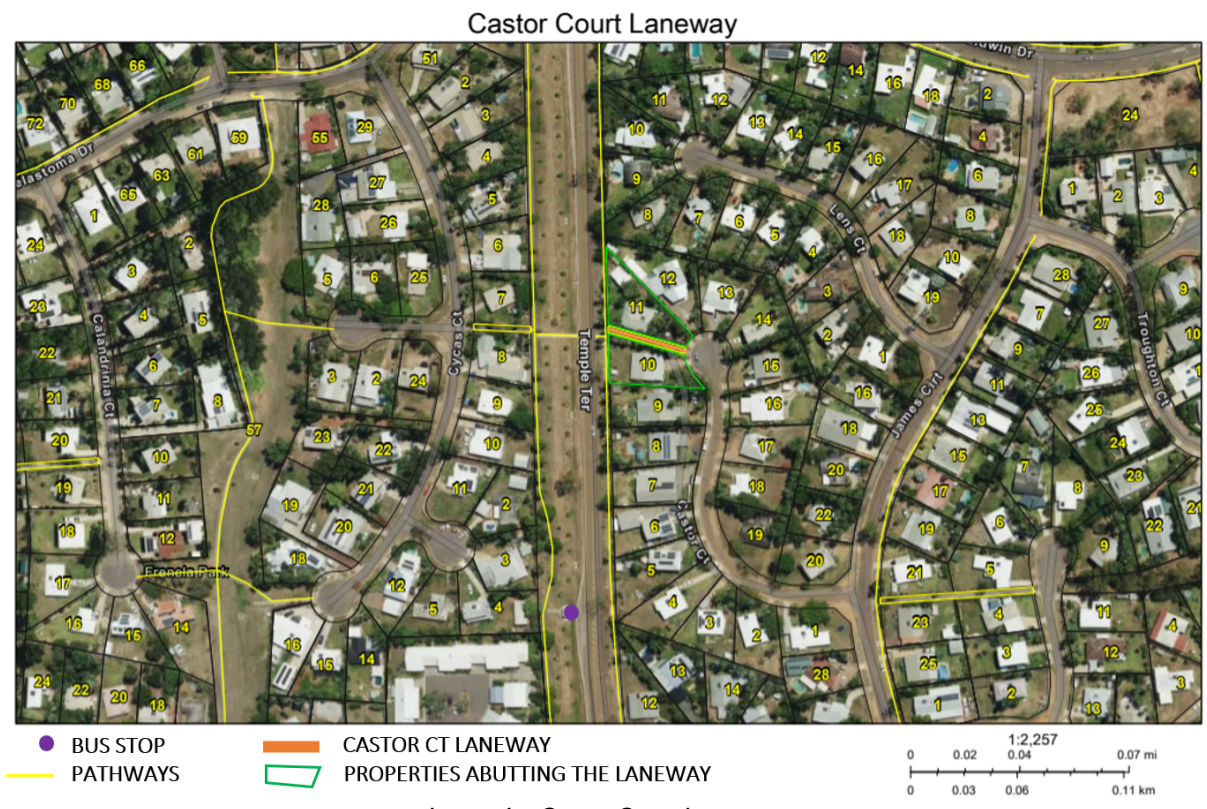


Image 1 – Castor Court Laneway



Images 2 & 3 - Castor Court Laneway (ground view)

Laneway Closure Application

The application received on 4 October 2021 conforms to Section 4.2.1 of the Laneway Management Policy (the Policy), providing required information and agreements. It satisfies Section 4.3.1(c) and 4.3.1(d) of the Policy, which is required for Council to consider permanent closure.

In accordance with the Policy (4.2.2), the following information is collated once a closure application is received, for presentation to Council;

- a) **NT Police Information** - Request information from NT Police relating to the vicinity of the laneway covering the most recent quarterly reporting period.
- b) **Immediate Vicinity Survey** - Survey a minimum 20 properties within the immediate vicinity of the laneway.
- c) **Laneway Usage** - Install a CCTV camera at one end of the laneway for a period of not less than three weeks to obtain laneway usage data.
- d) **Agency Engagement** - Request information from relevant government agencies and non-government organisations on local issues.
- e) **Laneway Category** - Calculate the Laneway Category using the approved methodology.
- f) **Stormwater Function** - Assess the laneway in respect of stormwater function.
- g) **Underground Services** - Obtain information on underground services within the laneway.

For a laneway to be considered for permanent closure, the Policy (4.3) requires the following to be satisfied;

- a) The laneway does not provide an overland stormwater flow path; and
- b) The Laneway Category is rated a Low or Medium; and
- c) Agreement with abutting landowners ensures that the whole of the laneway will be disposed of through amalgamation with the abutting properties; and
- d) The abutting landowners have acknowledged and agreed to the contribution to costs for the closure of the laneway and the payment for the portion of closed laneway (inclusive of easements where applicable) to be amalgamated with their property; and
- e) The laneway use is less than 30 movements per day.

The next sections of this report provide an overview of the information collated for Council to make an evidence-based decision, and the considerations for permanent closure.

NT Police Information

The laneway closure request form listed anecdotal accounts of numerous incidences of antisocial behaviour, unsightly litter and criminal activity being conducted within the vicinity of the laneway. One property abutting the laneway provided 12 reported incidents to Police that occurred from May 2019 to August 2021 to support the application, with 6 incidences occurring 2019, 3 occurring 2020 and 3 occurring 2021.

Police data provided indicates that there have been 20 reports in 2021 in total, for a variety of public places incidents.

Immediate Vicinity Survey

Section 4.2.2.1 (b) of the Policy requires a minimum of 20 properties within the vicinity of the laneway to be surveyed. Council has made direct contact with nine (9) properties in Castor Court.

However, there have been nine (9) responses to surveys through phone calls. Table 1 below shows a summary of the potential laneway closure responses.

	Support the closure	Against the closure	Neutral stance	No response
Number of properties	5	2	2	14
Percentage	56%	22%	22%	N/A

Table 1 - Survey (as at 10/11/2021)

The residents supporting the closure use the laneway minimally and have experienced anti-social behaviour in the past. The neutral residents acknowledged that the night-time closure had a positive impact and one user advised they used the laneway 3-4 times per week. There was also one resident that advised that the closure would have an impact on them due to medical difficulties with additional distance, however they also noted they didn't use the laneway often.

Laneway Usage

Section 4.2.2.1(c) of the Policy involves analysis of laneway usage through CCTV over at least three weeks to determine average daily use. **Attachment 13.1.2.1** illustrates daily pedestrian usage data from 24 September 2020 to 18 October 2020, showing an average daily use of 14.45 and peak usage in the afternoon (approx. 4:30pm to 7pm). This CCTV installation occurred as part of the data gathering for the Policy development and was not linked to a formal request at that time. The laneway was not being closed at night-time at the time of the analysis. Table 2 below summarises some statistics from the analysis.

Lowest Daily Use	Highest Daily Use	Average Daily Use	Total usage over 22 Days
2	38	14.45	318

Table 2 - Laneway Usage Data

Section 4.3.1(e) of the Policy requires the laneway use to be less than 30 movements per day. One day was above this threshold, however the daily average of 14.45 complies to the threshold.

The use of the laneway is not considered to have significantly changed over the past 12 months, however if required, the CCTV cameras to obtain usage information could be implemented. The timing would be after the school holidays in January 2022 due to contractor availability prior to the school holidays commencing.

Agency Engagement

Section 4.2.2.1(d) of the Policy relates to obtaining information from relevant government agencies and non-government organisations on local issues. Correspondence has commenced with Territory Family and NT Police. Completion of these assessments have not occurred due to earlier results not conforming to Section 4.3 of the Policy, criteria for permanent closure of a laneway. If Council choose to defer a final decision until further investigation, these assessments will be progressed to completion.

Laneway Category

Section 4.2.2.1(e) of the Policy requires the Laneway Category to be calculated in accordance with the approved methodology. This calculation is designed to quantify the impact of closing the laneway with respect to pedestrians having to travel further to desired destinations (i.e. schools, bus stops, shops, parks, medical facilities etc.).

Table 3 below shows the three possible categories and the associated score ranges. **Attachment 13.1.2.2** provides the laneway category calculation. The Castor Court Laneway Category was found to be 30.06 placing it in Category High (which is a score over 20). As per Section 4.3.1(b) of the Policy, Category High should not be considered for permanent closure of a laneway.

Stormwater Function

Section 4.2.2.1(f) of the Policy requires assessment of the laneway in respect to stormwater function. It has been assessed that the Castor Court Laneway does not function as overland flow relief during high rainfall events. The laneway is 3m wide with approximately 1.6% crossfall to kerb and provides localised drainage functions. A drainage easement would likely be required due to the underground stormwater infrastructure present.

Castor Court laneway conforms to Section 4.3.1(a) of the Policy, which requires that the laneway does not provide an overland stormwater flow path.

Underground Services

Section 4.2.2.1(g) of the Policy requires information on underground services within the laneway to be obtained. Underground services within the Castor Court laneway include:

- PWC power;
- PWC water;
- Telstra; and
- Stormwater infrastructure.

Should a laneway closure be considered, these underground services will impact options on how to subdivide the land and determine easement requirements and service authority approvals.

Consideration by Council and Options

The information prepared enables Council to review the appropriate action to be taken, in accordance with 4.2.3 of the Policy. These three options are;

1. Decline the request;
 - a. Where a request has been declined Council will not consider a further request within twelve months unless there is a demonstrable and significant change in circumstances from the original request.
2. Request relevant government agencies and non-government organisations to provide responses to address the cause of the anti-social behaviour;

- a. Where the information indicates that a targeted strategy may assist in addressing the cause of the anti-social behaviour Council will advocate for responses from the relevant government agencies and non-government organisations.
3. Consider a treatment commensurate with the identified issues;
 - a. Where treatment does not involve trialling part-time closures, the treatment may be permanent. Where the Council approves the trialling of a part-time closure, the closures will occur for a maximum period of twelve months (from implementation).

As outlined above, the laneway does not meet the criteria to progress to permanent closure due to the high category rating of the laneway. However, there are alternative options Council could consider, as outlined below. These options could occur consecutively if desired by Council.

Government Agency Engagement – Recommended

As per Section 4.2.3.1(b) of the Policy, Council can request relevant government agencies and non-government organisations to provide responses to address the cause of the anti-social behaviour.

Section 4.2.3.1(c) of the Policy states, where the information indicates that a targeted strategy may assist in addressing the cause of the anti-social behaviour Council will advocate for responses from the relevant government agencies and non-government organisations.

It is recommended that Council continue engagement with relevant agencies to determine if there are any solutions or additional responses that could assist in reducing the reported anti-social behaviour.

Temporary Permanent Closure – Not Recommended

Whilst the application is for permanent closure of the laneway, Council could consider changing the laneway treatment from temporary part time closure to temporary full-time closure. This is not recommended as it would be against the intent of the Policy, where fenced parcels of land remain closed but not formally transferred to a neighbouring property.

Further Investigation – Not Recommended

As there is a range of evidence and data relating to the potential closure, with some incomplete such as recent CCTV, Council may wish to defer a final decision until further investigation is completed.

This approach would provide a re-assessment of the data informing the usage and provide information around the types and frequency of criminal activity and antisocial behaviour. New findings will not change the category high calculation, but there may be more information that further informs Council.

Summary

Council has completed investigations pertaining to Section 4.3 of the Laneway Management Policy, that lists criteria required for permanent closure of a laneway. The Laneway category was calculated in accordance with the approved methodology and found to be 30.06, placing it in Category High. As per Section 4.3.1(b) of the Policy, Category High should not be considered for permanent closure of a laneway due to impact on accessibility to various vital community services/assets, in particular for Castor Court laneway, a bus stop and park.

With reference to principles outlined in the Policy, preserving pathway network connectivity is important and addressing antisocial behaviour can be achieved by working with relevant stakeholders to implement other measures that may assist reducing criminal behaviour. Council can consider requesting relevant

government agencies and non-government organisations to provide responses to address the cause of the anti-social behaviour.

According to all assessments conducted to date and discussed in this Report, it is recommended Council decline the laneway closure application request for Castor Court.

CONSULTATION PROCESS

The following City of Palmerston staff were consulted in preparing this report:

- Director City Growth and Operations
- Graduate Civil Engineer

In preparing this report, the following external parties were consulted:

- NT Police
- Property owner adjacent the laneway

Following the decision of Council, the applicant and other residents contacted throughout the survey would be contact and advised of the outcome.

Should Council determine to close the laneway, or progress the process, further consultation would be required including letters and signage at the laneway.

POLICY IMPLICATIONS

This Report is in accordance with Council's Laneway Management Policy, Laneway Policy Guide and Laneway Policy Fact Sheet.

BUDGET AND RESOURCE IMPLICATIONS

The cost of ongoing night-time closures and gate maintenance is in the order of \$6,000 per year, and the installation of CCTV is in the order of \$5,000. These costs are funded, and able to be funded, through current operations budgets.

The cost to undertake the permanent closure of a laneway may be up to \$16,000 and comprises public notices, survey, land titles and development costs, and removal of the constructed path.

As outlined within the Laneway Management Policy, the calculation of the cost of the laneway closure to property owners is based on the increase in the value of the land as a result of the transfer. Income from the sale of the land would depend on the outcome of this.

RISK, LEGAL AND LEGISLATIVE IMPLICATIONS

This Report addresses the following City of Palmerston Strategic Risks:

6. Fails to create and deliver the strategic vision for the City.

Context: Ensuring a vision is enduring and clear to all relevant stakeholders, guiding future decision making, delivered effectively and efficiently, and that progress is measurable and celebrated.

The Laneway Management Policy outlines the purposes of preserving the network of laneways within the City and guiding decisions to ensure vital functions of laneways are taken into account when considering treatment options. Section 4.3 of the Policy outlines required criteria for permanent closure of a laneway. If a laneway treatment was to occur that does not conform to Section 4.3 of the Policy, there is the risk

A Place for People

that this may be considered not in line with the Laneway Management Policy and principles in which the policy is based on.

ENVIRONMENT SUSTAINABILITY IMPLICATIONS

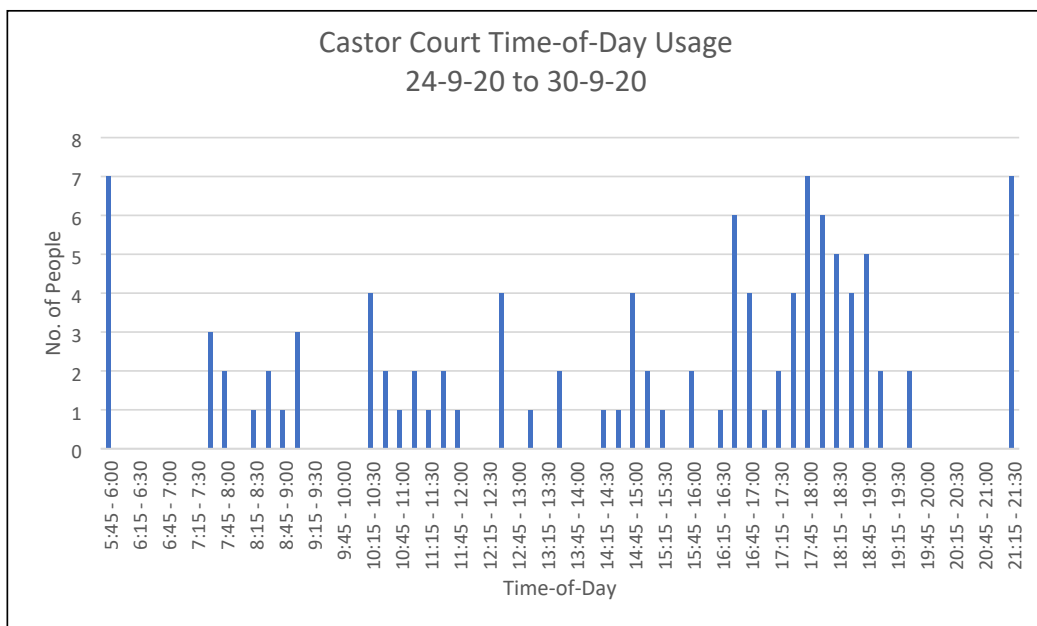
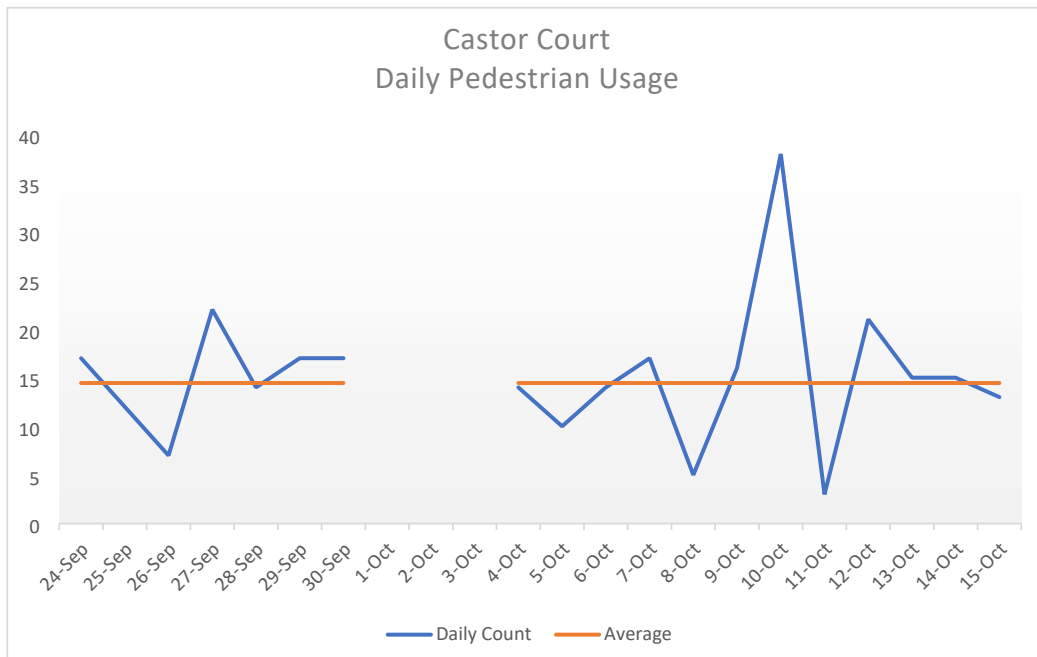
There are no environment sustainability implications for this Report.

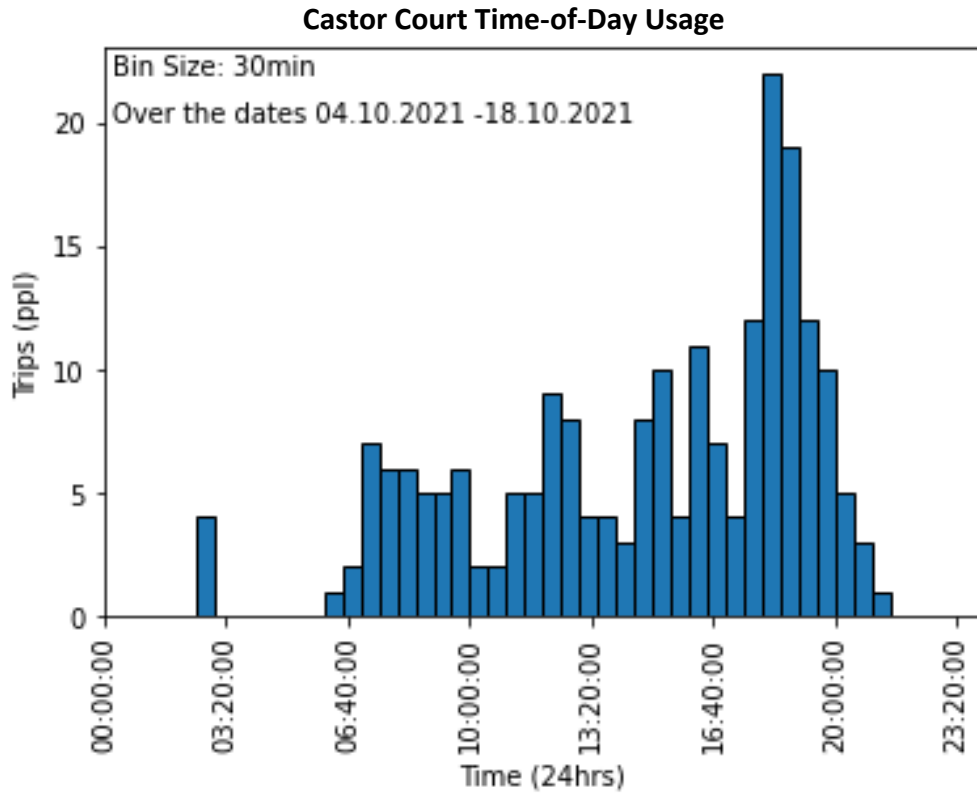
COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

ATTACHMENTS

1. Laneway usage data analysis [BEG7] [13.1.2.1 - 2 pages]
2. Methodology for Determining Laneway Categorisation [ICS6] [13.1.2.2 - 1 page]





Laneway Categorisation

Laneway: Castor Court, Woodroffe

Methodology:

The score for an individual Laneway is determined by the following formula:

$$[\text{HSF} + 0.25(\text{AOF})] \times \text{PVF} = \text{SCORE}$$

The factors applied for the extra distance walked to educational facilities, bus stops, shops, parks and other facilities are contained within Table 1. The **HSF** is the **Highest Single Factor** from Table 1 below, with the **AOF**, **All Other Factors**, being the sum of all other calculated factors.

Additional Distance (m)	Education Factor	Bus Stop Factor	Shop Factor	Park Factor	Other Factor
1 TO 99	1	1	1	1	1
100 TO 199	2	2	2	2	2
200 TO 299	3	4	3	3	3
300 TO 399	5	8	5	4	4
400 TO 900	10	16	10	8	8

Table 1 – Additional Distance Walked Factor

The estimation of potential pedestrian usage (the **Pedestrian Volume Factor, PVF**) is calculated by the number of blocks immediately serviced by the laneway, being;

- Less than ten blocks – Factor of 1
- 10 to 20 blocks – 1.67
- Greater than 50 blocks – 2.5

The subsequent Category derived from the score is defined as;

- Low – Total score of 0 - 9.9
- Medium – Total score of 10 - 19.9
- High – Total score of 20 or more

Laneway Calculation:

Factor Type	Score	Comments
Education	0	No impact to access Woodroffe School
Bus Stop	16	Bus Stop 474 on Temple Terrace (heading towards the City Centre) – 580m
Shop	0	No impact to access Woodroffe Shops
Park	0	No impact to access Frenela Park (or other Woodroffe Parks)
Other	8	Access to Temple Terrace to cross into Moulden to access childcare, high school, shared path etc – 500m+
HSF	16	
AOF	8	
PVF	1.67	20 Properties within Bailey Circuit

(note: factors are based on highest calculated additional distance, with the education being based on the local primary school for that suburb)

Calculation:

$$[16 + 0.25(8)] \times 1.67 = 30.06$$

Therefore, category is **High**