

ITEM 12. NOTICES OF MOTION**REGULATIONS FOR BACKPACKER HOSTELS (S103136)****1. By Councillor Green**

It is resolved that:

(A) Council note:

- (i) the critical injuries recently sustained by a backpacker from a 10m fall at a backpacker hostel in Potts Point;
- (ii) the existing dangerous anomaly of the lack of legislation and regulatory controls for the management of backpacker hostels operating under 'existing use rights';
- (iii) current LEP zone R1 General Residential prohibits tourist and visitor accommodation, but backpacker premises operating under 'old' DAs are permitted to operate under 'existing use rights';
- (iv) 'existing use rights' do not contain conditions requiring responsible management of backpacker hostels such as Plans of Management and standards for the safety and behaviour of patrons;
- (v) as the legislation stands there are insufficient powers for the City of Sydney and other authorities to regulate and ensure responsible management of backpacker premises such as:
 - (a) mandatory requirement for overnight onsite managers in hostels;
 - (b) enforceable plans of management; and
 - (c) prohibition of consumption of alcohol on premises;
- (vi) the adverse effects of unregulated antisocial guest behaviour on the amenity of densely populated residential areas in the LGA;
- (vii) two years of correspondence and meetings with senior Ministerial advisors has not achieved any level of government support for legislative change to bring this unregulated section of the tourism industry under regulatory controls; and
- (viii) whilst the City of Sydney welcomes young travellers, it is of great concern that their safety is at risk while in backpacker premises which potentially operate with minimal regulatory standards; and

(B) the Chief Executive Officer be requested to urgently meet with directors of the NSW Departments of Planning and Innovation and Better Regulation, and other relevant government agencies, to pursue regulatory and legislative amendments to address:

- (a) the anomaly of unregulated backpacker accommodation providers;
- (b) the safety of guests; and
- (c) antisocial guest behaviour and the effects on local amenity.

OXFORD SQUARE REVITALISATION (S103139)**2. By Councillor Forster**

It is resolved that:

(A) Council note:

- (i) Oxford Street has endured several years of commercial decline, attributed to a range of factors, including the opening of Westfield Bondi Junction drawing shoppers away from the area, the loss of on-street parking due to the establishment of clearways and bus lanes, and the reduction in evening and late night trade flowing on from the 2014 introduction of lock-out laws;
- (ii) the City of Sydney owns most of the property on the north side of Oxford Street between Oxford and Taylor Squares;
- (iii) the City of Sydney's Oxford Street Creative Spaces Program has not so far produced significant reactivation of Foley Street and its main entry point, Oxford Square; and
- (iv) at least three shop fronts in Oxford Square are currently closed and the area has an uninviting appearance which, according to local retailers, is failing to attract visitors; and

(B) the Chief Executive Officer be requested to investigate options for the rejuvenation and reactivation of Oxford Square, including but not limited to:

- (i) cleaning of the sandstone balustrades and paving;
- (ii) installation of floral and other decorative displays;
- (iii) discussions with surrounding cafes and restaurants around the possibility of outdoor dining in the square; and
- (iv) the provision of regular weekend markets.

PEDESTRIAN SAFETY AT LANG ROAD, CENTENNIAL PARK (S103139)**3. By Councillor Forster**

It is resolved that:

(A) Council note:

- (i) pedestrian safety is of the utmost importance for residents, workers and visitors in the City of Sydney Local Government Area, as evidenced by the City's "Watch Out Cars About" road safety program;
- (ii) the precinct around the Moore Park sporting and entertainment complexes and Centennial Park is an area of high pedestrian activity, especially during major events at which alcohol is consumed by some patrons who then move in and out of the precinct on foot;

- (iii) many patrons attending events within the precinct enter and exit via the eastern side which borders Centennial Park;
 - (iv) Lang Road is the main vehicular thoroughfare separating the entertainment precinct and Centennial Park;
 - (v) a major entrance to Centennial Park is located on Lang Road close to the junction with Darvall Street; and
 - (vi) there is no pedestrian crossing located along a lengthy stretch of Lang Road between the Robertson and Cook Roads intersection to the south and the Moore Park Road intersection to the north; and
- (B) the Chief Executive Officer be requested to:
- (i) investigate the possible provision of a pedestrian crossing at a suitable location along Lang Road between Robertson and Cook Roads in the south and Moore Park Road in the north, with any subsequent recommendations referred to the Local Pedestrian, Cycling and Traffic Calming Committee for consideration; and
 - (ii) report back to Councillors via the appropriate channels on the outcome of the Local Pedestrian, Cycling and Traffic Calming Committee's deliberations.

PHOTOVOLTAIC ENERGY SYSTEMS (S103133)

4. By Councillor Scott

It is resolved that:

- (A) Council note that a review of the Sydney Development Control Plan and Local Environmental Plan is currently being undertaken which includes consideration of controls for solar power;
- (B) Council write to the NSW Minister for Planning requesting that the State Environmental Planning Policy (Infrastructure) 2007 – Reg 37 be amended to delete the provisions 2(b) “the land is not in a heritage conservation area” and 2(f)(iv)(B) “the system is installed no less than 1m from any adjoining property boundary if the system protrudes more than 0.5m from any building to which it is attached (as measured from the point of attachment) as these provisions inhibit the installation of photovoltaic energy systems in the City of Sydney; and
- (C) Council request that, as part of this review of the Sydney Development Control Plan and Local Environmental Plan, consideration be given to removing all barriers to greater uptake of photovoltaic energy systems in the local government area, including but not limited to minimum roof dimensions relating to the installation of photovoltaic energy systems.

INTEGRITY IN PLANNING DECISIONS (S103133)

5. By Councillor Scott

It is resolved that:

- (A) Council provide its in-principle support for the proposal to ban developers and real estate agents from serving as Councillors;
- (B) Council call on the NSW Government to reverse its changes to section 451 of the Local Government Act, which allows Councillors with a pecuniary interest to vote on planning controls where they could potentially benefit; and
- (C) Council write to the Premier, the Minister for Local Government, and the Opposition Leader informing them of our position.

INTEGRITY IN LOCAL GOVERNMENT (S103133)

6. By Councillor Scott

It is resolved that Council:

- (A) note the following points:
 - (i) that the High Court has recently upheld a NSW state-wide ban on political donations from developers following a case launched by the former Lord Mayor of Newcastle in 2014;
 - (ii) that the same individual has recently launched Supreme Court of NSW action seeking the removal of the ICAC Commissioner from an inquiry into political donations in NSW;
 - (iii) that in their finding the High Court Chief Justice and Justices noted that ‘the risks that large political donations have for a system of representative government have been acknowledged since Federation’ and that ‘capping of political donations is a measure which has been adopted by many countries with systems of representative government...it is a means that does not impede the system of representative government for which our Constitution provides’; and
 - (iv) that the legislative requirements for donations for local government elections in NSW are different to those for state government;
- (B) call on the NSW Government to change the rules governing political donations during local council elections to introduce a cap on political donations aligned with the state level caps; and
- (C) write to the Premier, the Minister for Local Government, and the Opposition Leader immediately advising of the Council’s position on political donations in local government elections.

REDFERN / WATERLOO COMMUNITY COLLABORATION COMMITTEE (S103133)

7. By Councillor Scott

It is resolved that:

- (A) Council note:

- (i) that the Redfern/Waterloo area has unique social and community issues that are different from many other areas in the City of Sydney;
 - (ii) that the most successful method to approach issues of disadvantage is with a community inclusiveness strategy; and
 - (iii) that all levels of government must work with the community and not impose directions and policy 'solutions' in a top down manner; and
- (B) Council support the establishment of a Redfern/Waterloo Community Collaboration Committee. This Committee should:
- (i) provide a forum for community representatives, government and non-government agencies to discuss issues of concern that require a collaborative and coordinated response;
 - (ii) focus on identified issues that are systemic in nature and require a cohesive and coordinated response from the local community, government and non-government agencies;
 - (iii) include senior representatives from government agencies such as Sydney Local Health District, Housing NSW, NSW Police, Family and Community Services, Legal Aid, ADHC as well as City of Sydney and commonwealth agencies where relevant; and
 - (iv) also include local health services including Redfern AMS, local community centres, youth services, local NGO peak bodies, local community development programs, local Aboriginal and Torres Strait Islander services and other local specialist services or groups that can positively contribute as required.

FIG AND WATTLE STREETS DEPOT CONTAMINATION TESTING (S103133)

8. By Councillor Scott

It is resolved that:

- (A) Council note that:
- (i) on 8 December 2014, Council resolved to sell the former Fig and Wattle Streets depot site to the NSW Department of Education and Communities subject to the construction of a public primary school and an 80-place child care facility on the site;
 - (ii) on 15 December 2014, the NSW Department of Education and Communities issued a press release stating that "agreement has been reached for a new public school serving the inner city to be built on a site to be purchased from the City of Sydney on the corner of Wattle, Jones and Fig Streets, Ultimo"; and
 - (iii) the NSW Department of Education has indicated that they will now no longer proceed with construction of a public primary school site on the former Fig and Wattle Streets depot site; and
- (B) Council request the Chief Executive Officer commission a complete site testing for contaminants at the Fig and Wattle Streets depot site and provide a report based on the testing to the NSW Government.