

ITEM 13. NOTICES OF MOTION**WATERLOO PUBLIC HOUSING SUPPORT (S103133)**

1. By Councillor Scott

It is resolved that Council:

(A) note:

- (i) the NSW State Government's announcement to proceed with plans for the Sydney Metro project including the construction of a station at Waterloo; and
- (ii) the movement of Waterloo public housing estate residents who have been informed that they will be required to move from their current dwelling during the construction phase of the project;

(B) call on the NSW Government to:

- (i) invest funds to increase the levels of new public housing and affordable housing homes in Waterloo and adjacent areas affected by the Sydney Metro plan; and
- (ii) provide guarantees to public housing residents affected by the Sydney Metro plans to have the first priority right of return to new public and/or affordable housing dwellings constructed in Waterloo and adjacent areas;

(C) approve access free-of-charge in the City's community facilities to organisations and qualified staff to deliver relevant support services, including tenancy advice, legal advice, counselling and mental health services, to any public housing residents impacted by the Waterloo Metro plans, in accordance with the City's community venue hire procedures;

(D) approve the allocation of a financial contribution up to a maximum of \$100,000 to Redfern Legal Centre over the next 12 months (including the 2015/16 and 2016/17 financial years) to support tenant support, advocacy and advice services to public housing tenants impacted by the Waterloo Metro plans; and

(E) authorise the Chief Executive Officer (CEO) to enter into appropriate funding agreements with the Redfern Legal Centre and report back via a CEO Update, noting that additional funding may be required at the discretion of Council once the full extent of the relocations are understood in greater detail.

JOHNSTONS CREEK MASTERPLAN (S103133)

2. By Councillor Scott

It is resolved that Council:

(A) note:

- (i) the Resolution of Council of 19 August 2013 on the adoption of the Johnstons Creek Parklands Masterplan;

- (ii) the answer to a Question on Notice on Johnstons Creek Parklands Masterplan provided at Council on 18 May 2015 which noted that only three projects as part of the Masterplan have been identified and funded for completion by mid-2018; and
 - (iii) the need for the entirety of the capital works in the Johnstons Creek Parklands Masterplan to be completed as soon as possible to provide improved public amenity and access to green spaces as the development at Harold Park nears completion; and
- (B) request the Chief Executive Officer bring forward funding and resources in the Integrated Planning and Reporting Program and Budget 2016/2017 for the completion of any outstanding capital works projects not currently funded as part of the Johnstons Creek Parklands Masterplan.

DELEGATIONS TO THE LORD MAYOR (S103133)

3. By Councillor Scott

It is resolved that Council:

- (A) note paragraph 4(a) of the City's *Delegations to the Lord Mayor* policy which states that Council delegates to the Lord Mayor, on an ongoing basis, the authority "to approve all press statements and publications issued on behalf of Council, unless Council determines otherwise on a specific issue"; and
- (B) revoke the aforementioned authority as per paragraph 4(a) of the City's *Delegations to the Lord Mayor* with relation to communicating on behalf of the City with any person/s or organisation/s from data gathered through the registration form for the non-residential roll, including the use of any message from, a photograph of, or the signature of the City of Sydney Lord Mayor as part of any communication.

MOORE PARK TREES (S103133)

4. By Councillor Scott

It is resolved that Council:

- (A) note the ongoing removal of trees as part of the construction works of the NSW State Government's CBD and South East Light Rail project and the proposed removal of trees in Moore Park as part of this project;
- (B) oppose the future removal of any trees in Moore Park as part of the CSELR project; and
- (C) write to the Premier of NSW and the Minister for Transport:
 - (i) noting Council's opposition to the removal of any trees in Moore Park as part of the CSELR project;
 - (ii) calling for the protection of trees in Moore Park earmarked for removal due to the CSELR project; and

- (iii) requesting that the contract for the CSELR project be amended accordingly to ensure the protection of trees in Moore Park.

PARKING RESTRICTIONS, PADDINGTON (S103133)

5. By Councillor Scott

It is resolved that Council:

(A) note:

- (i) the endorsement by the Local Pedestrian, Cycling and Traffic Calming Committee on 16 March 2016 of item 37 Parking – Parking Permits, Various Streets Paddington, including changes to the time limits on existing permit parking restrictions on the western side of Greens Road, Paddington; and
- (ii) the recommendation was carried with the exception of the representative for the Member for Sydney; and

- (B) not proceed as proposed with changes to parking restrictions on Greens Road, Paddington as endorsed by the Local Pedestrian, Cycling and Traffic Calming Committee and retain the current parking restrictions in place.

SAFE SCHOOLS PROGRAM (S103137)

6. By Councillor Doutney

It is resolved that:

(A) Council note:

- (i) Safe Schools Coalition Australia (SSCA) was initiated following the request from teachers and schools, seeking assistance in how to create an inclusive and safe environment for their LGBTIQ students and students' families. This was due to the bullying and discrimination that teachers had observed in schools;
- (ii) the disturbing findings of same-sex attracted young people in Australia in 2010; 61% reported experiencing homophobic verbal abuse and 18% reported experiencing physical abuse. 80% of this abuse was reported to have occurred at schools;
- (iii) the All Of Us guide is a resource under the Safe Schools Coalition that was evidence-based, and was initially written by teachers, curriculum experts and SSCA, and was trialled and tested before it was released. Recently, the review ordered by the Federal Government again confirmed the relevance and positive impact of the program and the resources it offers. Currently, 490 schools across Australia are signed up to the Safe Schools Coalition;
- (iv) despite the positive feedback to come from the review, the Federal Government has severely reduced the materials available, and made parental consent necessary before students can take part. This defeats the purpose of the program to create a safe space;

- (v) this is not the first federally-funded LGBTIQ safety program that has been jeopardised by conservative factions; in 1997, the “Here For Life” Youth Sexuality Project, focusing on suicide prevention, saw the same arguments at play, claiming the program is a ‘recruitment for the gay lifestyle’. It never went national;
 - (vi) Victoria and the ACT have taken a stand against the Federal Government and promised to keep funding for Safe Schools in place through the State Government;
 - (vii) the Premier of NSW, Mike Baird, has made no such promise, and has stated his support for the Federal Government’s decision; and
 - (viii) as there was no opportunity to make submissions to the inquiry into the Safe Schools program commissioned by the Federal Government, the Lord Mayor has written to the Prime Minister in support of the Safe Schools program; and
- (B) the Lord Mayor be requested to:
- (i) write to all school principals in the local LGA, encouraging them to continue participating in the Safe Schools program, particularly considering the high prevalence of LGBTIQ youth in the City of Sydney LGA; and
 - (ii) sign the Supporter Organisations pledge on the Safe Schools Coalition Australia website, to publicly declare the City of Sydney’s support for the program.

THE RIGHT TO PROTEST (S103137)

7. By Councillor Doutney

It is resolved that:

- (A) Council note:
- (i) the right to peaceful protest is important in a democratic society and has been instrumental in the introduction of a large number of vital social reforms, including women’s rights to vote, Aboriginal land rights and the protection of heritage in The Rocks;
 - (ii) in March 2016, the Baird Government passed the *Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Act* which endangers a citizen’s right to peaceful protest through the introduction of new police powers to shut down peaceful protests and issue penalties of \$5,500 and up to seven years gaol for citizens who are deemed to have ‘interfered’ with mining activities as part of their protest;
 - (iii) following this, the Baird Government also introduced the *Criminal Legislation Amendment (Organised Crime and Public Safety) Act 2016* which provides the police with additional powers to ban people from public places for up to 72 hours; and
 - (iv) these new laws endanger the fundamental right of citizens to conduct a peaceful protest and have been characterised as such by the Law Society of NSW and the NSW Bar Association, amongst others; and

- (B) the Lord Mayor be requested to write to the NSW Premier, Mike Baird, outlining the City's strong concerns that these new powers threaten civil liberties and the ability of citizens to engage meaningfully in the political process.

COMMUNITY SPORTING FIELD AGREEMENTS (S103138)

8. By Councillor Vithoukas

It is resolved that Council note:

- (A) on 7 March 2016, the Sutherland Shire Council Infrastructure Projects and Works Committee received a report titled 'Community Sporting Field Agreements with the Department of Education and Communities'. The report noted that:
- (i) historically the Department of Education and Communities had encouraged local schools to enter into community use agreements for the use of sporting fields guided by the Community Use of School Facilities Policy;
 - (ii) the Department of Education and Communities have recently changed their approach and individual school Principals are no longer permitted to enter into agreements for the community use of sporting fields, with agreement moving to the Department of Education and Communities;
 - (iii) local community sporting groups have expressed concern that they could lose access to school sporting fields under the new arrangements;
 - (iv) Council noted at its meeting on 23 February 2015 that changing demographics and population growth in the City of Sydney was increasing demand for the Council-owned sport and recreation facilities;
 - (v) on 27 April 2015, a Lord Mayoral Minute requested that an integrated Open Space, Sports and Recreation Needs Study be reported to Council by the end of 2015; and
 - (vi) on 21 March 2016, Council was advised, via an answer to a Question on Notice, that the Open Space, Sports and Recreation Needs Study was currently being finalised; and
- (B) the Chief Executive Officer be requested to:
- (i) investigate whether any schools in the City of Sydney LGA have been impacted by the Department of Education and Communities policy change;
 - (ii) investigate whether these changes may place added pressure on the demand for Council-owned sport and recreation facilities; and
 - (iii) report back to Council via the CEO update about the impact of the changes on local schools and sporting clubs.

REGISTERED NURSES IN NURSING HOMES (S103133)

9. By Councillor Scott

It is resolved that Council:

- (A) note:
- (i) the Resolution of Council of 18 May 2015 on Registered Nurses in Nursing Homes; and
 - (ii) with concern the potential risk to residents of nursing homes across the City of Sydney regarding the potential removal of the requirement to have a registered nurse on duty at all times which is currently being considered by the NSW State Government following legislative changes by the Commonwealth Government;
- (B) re-affirm its in-principle support for the work of the NSW Nurses and Midwives Association (NSWNMA) to ensure high quality care in nursing homes; and
- (C) write to the NSW Minister for Health, the Hon. Jillian Skinner MP, and Shadow Minister for Health, the Hon. Walter Secord MLC, expressing Council's in-principle support for the NSWNMA's campaign "RN 24/7" and the retention of registered nurses in residential aged care facilities throughout NSW.

NOTICES OF MOTION WHICH SPECIFICALLY IDENTIFY A PERSON OR BUSINESS (S103139)

10. By Councillor Forster

It is resolved that:

- (A) Council note:
- (i) on 26 October 2015, Council passed a resolution requesting the Lord Mayor write to the State Government requesting legislative amendments to address issues arising from 'unregulated backpacker accommodation';
 - (ii) Clause (A)(i) of that resolution cited an incident in which a man was injured in a fall at a backpacker hostel in Potts Point, which was subsequently identified in news reports and commentary related to the incident;
 - (iii) Clause (A)(ii) of that resolution asserts the existence of an "existing dangerous anomaly of the lack of legislation and regulatory controls for the management of backpacker hostels operating under 'existing use rights'";
 - (iv) Clause (A)(v) of that resolution asserts that "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";
 - (v) Clause (A)(vii) of that resolution asserts that it "is of great concern that [young travellers'] safety is at risk while in backpacker premises which potentially operate with minimal regulatory standards";

- (vi) the incident referred to in Clause (A)(i) of that resolution was investigated by Kings Cross Police and was the subject of a building code compliance investigation by City of Sydney Council, both of which were completed prior to the resolution being passed, and neither of which resulted in any required changes to the safety and management practices or building conditions at the backpacker hostel in question; and
 - (vii) the owner of the business where the incident occurred was not notified of the Notice of Motion, passed at the October 2015 Council meeting, in advance of it being discussed by Council; and
- (B) Council request the Chief Executive Officer to take steps to ensure that, in future, prior notification is provided to any specific person, business or property owner who or which has been identifiably referred to in a Notice of Motion to Council.

PUBLIC SPACE EVALUATION IN KINGS CROSS/POTTS POINT (S103139)

11. By Councillor Forster

It is resolved that:

(A) Council note:

- (i) on 26 October 2015, Council passed a resolution requesting the Lord Mayor write to the State Government requesting legislative amendments to address issues arising from 'unregulated backpacker accommodation';
- (ii) in October 2015, the Lord Mayor wrote to the Minister for Innovation and Better Regulation, Victor Dominello, and the Minister for Planning, Rob Stokes, requesting legislative amendments to address backpacker accommodation providers operating under 'existing use rights', the safety of guests and anti-social behaviour;
- (iii) according to an alternative motion tabled by Councillor Mant at the Council meeting of 21 March 2016, the Lord Mayor, Councillor Jenny Green and a number of residents met with Minister Dominello on 14 December 2015 to discuss options for reform, including a single piece of legislation that would regulate all forms of commercial share accommodation through the expansion of the Boarding Houses Act 2012;
- (iv) since then, the Minister has given consideration to that request, but no formal changes to legislation have yet been proposed and the existing regulatory arrangements for backpacker hostels in the Kings Cross/Potts Point area remain in place;
- (v) the operators of backpacker hostels do not have authority to police the behaviour of people outside their premises;
- (vi) nearby residents are able to raise concerns they have about the operations of backpacker hostels with both City of Sydney Council and NSW Police;
- (vii) according to a letter written by the Lord Mayor, dated 23 February 2016, the operators of backpacker hostels in Kings Cross/Potts Point continue to "work effectively" with both Council and NSW Police to address the concerns of nearby residents as they arise;

- (viii) residents are continuing to report ongoing issues with regard to the behaviour of people staying in backpacker hostels in Kings Cross/Potts Point; and
 - (ix) residents also report that, since the 2014 introduction of lock-out laws, the socialising patterns of people staying in backpacker hostels in Kings Cross/Potts Point appear to have changed, notably Springfield Gardens is now being used as a late night gathering place; and
- (B) Council request the Chief Executive Officer to undertake an evaluation, in consultation with NSW Police, community and backpacker operator representatives, of public spaces in Kings Cross/Potts Point, aimed at identifying what improvements could be made to the design of those public spaces to discourage noisy, late-night congregations of people.