

ITEM 14. NOTICES OF MOTION**NON-RESIDENTIAL REGISTER AND ROLL – CITY OF SYDNEY WEBSITE (S103139)****1. By Councillor Forster**

It is resolved that:

(A) Council note:

- (i) ahead of the City of Sydney Local Government election on 10 September 2016, owners, occupiers and rate-paying lessees of rateable property in the City of Sydney area are required to register for the non-residential register and roll;
- (ii) if owners, occupiers and rate-paying lessees have not already submitted their details to the City, they need to do so before 14 July 2016 to ensure they are added to the non-residential register and roll;
- (iii) I have received a large amount of feedback indicating that businesses have not been contacted by the City and that they are unaware they must be added to the non-residential register; and
- (iv) the City is obliged to do all it can to inform all owners, occupiers and rate-paying lessees of their requirements to register prior to 14 July; and

(B) Council request the Chief Executive Officer to:

- (i) immediately ensure that information about how businesses can register as non-residential electors is given the highest prominence on the City of Sydney website homepage;
- (ii) ensure that the link to the non-residential registration papers is prominently displayed on the City of Sydney website homepage; and
- (iii) take any other steps necessary to ensure the City of Sydney website is as effective as possible in informing business owners, occupiers and rate-paying lessees of their right to vote in the 10 September election and directing them to the registration papers ahead of the 14 July deadline.

OXFORD STREET PROPERTY PORTFOLIO REACTIVATION STRATEGY & SAFETY AUDIT (S103139)**2. By Councillor Forster**

It is resolved that:

(A) Council note

- (i) Council owns the commercial properties on the north side of Oxford Street at 56-78 Oxford Street, 82-106 Oxford Street and 110-122 Oxford Street, as well as the public toilet (closed) and substation at 136 Oxford Street;

- (ii) in the Second Quarter Corporate Plan Report for 2013/14, the Oxford Street Property Plan, which includes the Foley Street upgrade, was listed as 50% complete, with a target completion date of 2014;
- (iii) in the Fourth Quarter Corporate Plan Report 2013/14, the Oxford Street Property Plan, which includes the Foley Street upgrade, was listed as 50% complete, with a target completion date which had been pushed back by six years to 2020;
- (iv) in the Second Quarter Corporate Plan Report 2014/15, the Oxford Street Property Plan, which includes the Foley Street upgrade, had dropped to only 25% complete, with a target completion date which has been pushed forward by two years to 2018;
- (v) in the Fourth Quarter Corporate Plan Report 2014/15, the Oxford Street Property Plan, which includes the Foley Street upgrade, was listed as 45% complete, with a target completion date steady at 2018;
- (vi) in the Third Quarter Capital Works Budget 2015/16 Summary, the Oxford Street Properties Activation was listed as 54% complete, with the target date not listed in the Committee Papers;
- (vii) the completion of the Oxford Street Property Plan has been delayed by at least four years without notice to Council, without Council being provided with any supporting evidence as to the success or failure of the Plan to date;
- (viii) Council has made significant investment in and around Oxford Street, including footpath upgrades and, more recently, the spending of \$1.2 million on Stage 1 of the Foley Street upgrade, and the planned spending of \$3.1 million on the Foley Street Stage 2 and Stage 3 upgrades which, according to the Third Quarter Capital Works Budget 2015/16, is only 6% complete;
- (ix) Council also committed to undertake remedial works in the basement, ground, first and second levels of its property at 74-76 Oxford Street, which were originally scheduled to be completed in mid-2015 but are expected to be finalised at the end of 2016;
- (x) Oxford Street has been in decline as a day-time destination for several years and its night-time economy has been severely impacted by the State Government's new licensed premise lock-out laws, enacted in March 2014, which have had further flow-on effects for all the precinct's businesses, both day-time and night-time;
- (xi) the Foley Street Stage 1 upgrade has not attracted new tenants to the street;
- (xii) many of Council's Oxford Street properties are not under long-term lease at full commercial rates;
- (xiii) some of Council's Oxford Street commercial properties and creative spaces are empty;
- (xiv) many of Council's Oxford Street commercial properties are in very poor condition or unfit for occupation;

- (xv) on Wednesday 1 June 2016, at approximately 10am, a keystone from a Council-owned property at 110 Oxford Street crashed through an awning and onto the public sidewalk; and
 - (xvi) the estimated weight of the keystone was 400 kilograms, which could have resulted in serious injury or death to pedestrians;
- (B) Council request the Chief Executive Officer to:
- (i) immediately conduct a full and thorough review of the Oxford Street Property Plan, including a comprehensive safety audit of all Council-owned property along Oxford Street and in the immediate vicinity;
 - (ii) report back to Council on the results of that review and audit before the August 2016 Council meeting; and
 - (iii) devise a new and holistic strategy for the upgrading and redevelopment of all the Oxford Street properties owned by Council, for implementation at the earliest opportunity.

SYDNEY MARINE PARK (S103137)

3. By Councillor Doutney

(A) Council note:

- (i) our marine environment is increasingly under threat due to pressures from climate change, human destruction of vital habitat, top-soil erosion from land-clearing, fertilisers, fishing practices and plastic pollution;
- (ii) our marine life and beaches in Sydney are a key drawcard for tourism, bringing in significant economic benefits and benefiting local businesses;
- (iii) a Sydney Marine Park will be an effective, sustainable and necessary solution to addressing the dangers facing our marine ecosystems, and many endangered marine species. As a sanctuary zone, marine parks hold the same benefits as National Parks do on land;
- (iv) the NSW Government is currently considering options on conservation management for marine ecosystems in the area of the Hawkesbury Shelf Marine Bioregion; state waters covering three nautical miles, or 5.5 km. This spreads out from Stockton Beach (near Newcastle) to Shellharbour and coastal lakes, the Hawkesbury River, Sydney Harbour, Botany Bay and Port Hacking. The Australian Marine Conservation Society suggests that this route is recognised as a critical gap in our marine park network, and needs protection in its entirety; and
- (v) the Australian Marine Conservation Society believes that a Sydney Marine Park acts as an “insurance policy for our oceans”, and is advocating strongly to see this happen; and

- (B) the Lord Mayor be requested to write to Environment and Heritage Minister Mark Speakman, and Minister for Primary Industries and Minister for Lands and Water Niall Blair, urging the government to declare a Sydney Marine Park in the targeted Hawkesbury Shelf Marine Bioregion, to ensure that marine sanctuaries be prioritised in the zoning, and ensure the effective management of our marine life, and the protection of our oceans.

LGBTIQ AND ORLANDO (S103133)

4. By Councillor Scott

It is resolved that Council:

- (A) request the Chief Executive Officer to write to the Mayor of the City of Orlando to express its condolences in relation to the tragic events at the LGBTIQ nightclub, Pulse, on 12 June 2016;
- (B) note that the tragic events are a reminder of the need to be vigilant about safety and welfare of LGBTIQ residents and businesses in the City of Sydney; and
- (C) request the Chief Executive Officer to undertake a safety audit of:
- (i) iconic LGBTI landmarks and areas; and
 - (ii) the adequacy of lighting around the City.

DEFIBRILLATORS AT CITY'S SPORTING FIELDS (S103133)

5. By Councillor Scott

It is resolved that Council:

- (A) note the risk of heart attacks which could occur on our City's sporting fields; and
- (B) request the Chief Executive Officer to assess the possibility of installing defibrillators at each of the City's sporting fields.

DELEGATIONS TO THE LORD MAYOR (S103133)

6. 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.

\$6,000 FINE TO HANNIBAL LEBANESE RESTAURANT (S103132)

7. By Councillor Mandla

It is resolved that:

(A) Council note:

- (i) that on 2 June 2016, the City of Sydney fined Hannibal's Lebanese Restaurant \$6,000 for a single noise complaint;
- (ii) that the complaint was made about music played during a Friday and Saturday night Belly Dance show, that lasts approximately 15 minutes and never longer than half an hour;
- (iii) that the tenant who made this complaint lives directly above the restaurant;
- (iv) a \$6,000 fine on a small business is overly punitive and lacks commercial reality;
- (v) that such a business contributes to the Sydney economy and should be encouraged and assisted rather than receiving a large corporate style fine in the mail;
- (vi) in the past, we have removed such fines on small business; and
- (vii) the Chief Executive Officer (CEO) has advised me that the City's Health and Building Manager has recently spoken with the business owner and given an undertaking that the Penalty Infringement Notice will be reviewed once the request to review has been received from the SDRO; and

(B) the CEO be requested to:

- (i) provide active oversight of the review process with the goal that a workable solution can be found with the business owner paving the way to rescind the infringement notice; and
- (ii) provide a regular update via the CEO update.