

ORDINARY MEETING	10
23 NOVEMBER 2011	

ASYLUM BACKPACKERS HOSTEL - 149-155 GRAFTON STREET
CAIRNS - APPLICATION TO RENEW ACCOMMODATION APPROVAL -
DIVISION 5

J van Gorp: 18/46/1-256: #3379307

RECOMMENDATION:

That Council notes the intention of officers to issue a renewal of the accommodation permit under *Local Law 6 (Rental Accommodation)* to Asylum Backpackers Hostel subject to conditions.

That Council notes that the issues raised in the Deputation in September 2011 relate to the behaviours of guests in the vicinity of the hostel and are a matter for the Police, not Council.

INTRODUCTION:

The purpose of this report is to provide comment to Council on the deputation request from nearby residents expressing concerns about the behaviour of residents of the Asylum Backpackers Hostel located at Grafton Street, Cairns.

BACKGROUND:

The Asylum Backpackers Hostel has been operating in this location since 1989.

A number of complaints have been received over recent years regarding noise and drunken behaviour (usually in the streets and nearby footpaths) of persons staying at the hostel. These matters are dealt with by Police under the *Police Powers and Responsibility Act 2000*.

Other complaints received included light spillage and untidy property. Records indicate that these matters were dealt with by the owners and management of the hostel.

In addition, a deputation request from nearby residents was received by Council on 28 September 2011. The request was for Council to either not issue the accommodation approval or issue the approval with conditions relating to the responsible supervision of alcohol consumption and to the control of noise from the tenants of the hostel.

COMMENT:

Council officers carried out an inspection of the premises on 5 October 2011 and found that several matters required attention. These matters included general cleaning of facilities, minor maintenance issues, replacement of mattresses and minor plumbing repairs.

Such issues are regularly identified during inspections of the older backpacker hostels and are dealt with directly between the Environmental Health Officers and the property operator

A notice has been issued to the property manager requiring attention to these matters. Whilst the concerns of the deputation are serious, they refer to behavioural issues and are dealt with by the Police and are not grounds for refusal of this application.

CONSIDERATIONS:**Statutory:**

*Local Law 6 (Rental Accommodation)
Building Act 1975*

Policy:

Council policy in relation to the issue of accommodation approval is that if the operation substantially complies with the requirement of *Local Law 6 (Rental Accommodation)* and there are no grounds for summary closure, the approval is issued.

The matters identified during the inspection are not considered to be serious enough to warrant refusal of the application.

Financial and Risk:**Financial**

The permit to operate for the 2011/2012 licensing period is \$798.00

Risk

Not applicable

Sustainability:

This is only an administrative issue and has no impact on sustainability. Therefore a report has not been completed.

CONSULTATION:

CRC - Public Health
CRC – Building Services
Asylum Backpacker Hostel Operators

OPTIONS:

1. Council renew the approval under Local Law 6 for 2011/2012 to be issued to the operators of the Asylum Backpackers Hostel, subject to full compliance with the notice dated 21 October 2011.

CONCLUSION:

The Asylum Backpackers Hostel accommodation complaints relate to the behaviour of guests in the vicinity of the hostel and are a matter for the Police, not Council.

The condition of the Asylum Backpackers Hostel makes it generally suitable to continue operating subject to ongoing attention to maintenance and cleanliness. Subject to such matters being duly attended to it, it is proposed that the officers will issue the renewal of the permit accordingly.

ATTACHMENTS:

Attachment – Deputation 28 September 2011 #3335709

J van Gorp
Environmental Health Officer

L Phipps
Manager Environmental Assessment

SG 1/3/106-01: #3335709

MEMO TO: LAURIE PHIPPS
CC: PETER TABULO
DATE: 30 SEPTEMBER 2011
SUBJECT : DEPUTATION HELD 28 SEPTEMBER 2011

Please find items listed below from the recent Council deputations for which you are responsible. Could you please review the item and provide a response to me, copy to Sue Godkin to update the report to Council on deputation status, as to your plan of action by 14 October 2011.

DEPUTATIONS	SUMMARY OF DEPUTATION
<p>Minnie Street Residents Mr Garry Smith Mr George Thomson Mrs Marion Thomson Mrs Glenyis Passfield Mr Chris Swan</p> <p># 3324157</p>	<p>To request Council either not review the business permit for the Asylum Backpacker Hostel; or Council implement conditions of operations when Asylum's business permit is renewed</p> <p>Mr Garry Smith, Mr George Thomson, Mrs Marion Thomson and Mrs Glenyis Passfield presented on behalf of residents in Minnie Street.</p> <p>Premises is unlicensed but residents are encouraged to bring their own alcohol. Noise is excessive, there are many obscenities towards residents and residents feel threatened. They believe the problem lies with the owner and management of Asylum and staff are consuming alcohol on the premises.</p> <p>They would like to see Council either close the business or ensure that all relevant conditions of approval are adhered to. Suggested that the tables at the front of the building are placed at the rear. Front of the premises be made an alcohol free area.</p> <p>Council has planted trees on the footpath but they are small and will take time to grow. They are not helping in any way.</p> <p>Garry Smith believed guests were breaking Council bylaws by creating a public nuisance. Staff advised that there is no bylaw regarding public nuisance. It is a police matter.</p> <p>Health of residents in the area is being affected as they are unable to sleep and many commence work at 5 a.m. or 6 a.m. It is affecting income, leases are not being renewed and tourism in the area is being affected. There are two schools in the area St Monica's and Cairns State High. Other backpacker establishments are not affiliated with Asylum. The residents have made 100's of calls to the police over the past 12 months.</p> <p>Council officers advised that Asylum have lodged an application for renewal of their permit. The premises will be inspected next week.</p>

L RUSSELL
Chief Executive Officer