



# Hastings Access Sub-Committee

## Business Paper

**date of meeting:** Monday, 12 May 2014

**location:** Function Room,  
Port Macquarie-Hastings Council,  
17 Burrawan Street,  
Port Macquarie

**time:** 2.00pm

**Note:** Council is distributing this agenda on the strict understanding that the publication and/or announcement of any material from the Paper before the meeting not be such as to presume the outcome of consideration of the matters thereon.



**PORT MACQUARIE  
HASTINGS**

## Hastings Access Sub-Committee

### CHARTER

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- (a) To advise Council regarding issues of access and facilities for persons with disabilities to all public areas and public buildings within the Hastings Local Government area.
- (b) To provide expert advice and recommendations, including pre-lodgement advice on building and development applications relating to public buildings, where necessary.
- (c) To develop guidelines for assessing building and development applications relating to private buildings.



**PORT MACQUARIE  
HASTINGS**

## Hastings Access Sub-Committee

### ATTENDANCE REGISTER

Member	10/02/14	10/03/14	14/04/14			
Councillor Rob Turner	✓	✓	A			
Councillor Lisa Intemann (alternate)	A	A	✓			
Lyndel Bosman Guide Dogs NSW	✓	✓	A			
Nik Sandeman-Allen Care & Mobility	A	A	A			
Brian Bucket	✓	✓	✓			
Elizabeth Rose	✓	✓	A			
George Payne	✓	A	✓			
Helen Booby	✓	A	✓			
Liz Conroy	✓	✓	✓			
Max Waters	✓	✓	✓			
Mike Ispen	✓	✓	A			
Phil White	A	✓	A			
Sharon Beard	✓	✓	✓			
Lucilla Marshall PMHC Group Manager Community Development	X	✓	✓			
Julie Priest PMHC Aged & Disability Officer	✓	✓	✓			

**Key:** ✓ = Present

A = Absent With Apology

X = Absent Without Apology



**PORT MACQUARIE  
HASTINGS**

# Hastings Access Sub-Committee Meeting

Monday, 12 May 2014

## Items of Business

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**PORT MACQUARIE  
HASTINGS**

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**Item: 01****Subject: ACKNOWLEDGEMENT OF COUNTRY**

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"I acknowledge that we are gathered on Birpai Land. I pay respect to the Birpai Elders both past and present. I also extend that respect to all other Aboriginal and Torres Strait Islander people present."

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**Item: 02****Subject: APOLOGIES**

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**RECOMMENDATION**

That the apologies received be accepted.

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**Item: 03****Subject: CONFIRMATION OF PREVIOUS MINUTES**

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**RECOMMENDATION**

That the Minutes of the Hastings Access Sub-Committee Meeting held on 14 April 2014 be confirmed.

**PRESENT**

**Members:**

Councillor Lisa Intemann (alternate Chairperson)  
Brian Bucket  
George Payne  
Helen Booby  
Liz Conroy  
Max Waters  
Sharon Beard  
Julie Priest (PMHC Aged & Disability Officer)

**Other Attendees:**

Lucilla Marshall (PMHC Group Manager Community Development)  
Adrian Malcolm  
Wayne Evans, President, Sailability  
Rick Eller, Vice-President, Sailability  
Elizabeth Bell, Job Centre Australia

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The meeting opened at 2.00pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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The Acknowledgement of Country was delivered.

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**02 APOLOGIES**

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**CONSENSUS:**

That the apologies received from Councillor Rob Turner (Chairperson), Elizabeth Rose, Lyndel Bosman (Guide Dogs NSW), Mike Ispen, Nik Sandeman-Allen (Care & Mobility) and Phil White be accepted.

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### **03 CONFIRMATION OF MINUTES**

#### CONSENSUS:

That the Minutes of the Hastings Access Sub-Committee Meeting held on 10 March 2014 be confirmed with the amendment that reference to 'Technical Services' be changed to "Transport & Stormwater Network Management Section".

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### **04 DISCLOSURES OF INTEREST**

There were no disclosures of interest presented.

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### **05 BUSINESS ARISING FROM PREVIOUS MINUTES**

#### 5.1 Yellow Brick Road:

Julie Priest and Peter Jenkins PMHC Traffic Engineer viewed the stencilling which was trialled at the depot. Photos were tabled of the stencilling and photos of the Morton Street corner where two kerb ramps and a short section of footpath will be constructed in the next couple of weeks. Once completed this will be stencilled and create a continuous unobstructed footpath from the Garden Retirement Village to Growers.

Clr Intemann congratulated the Committee and noted that it has been a long process and could not happen without the continuous involvement of the Committee members.

#### CONSENSUS:

That a photo opportunity with the Committee be arranged upon completion of the project.

#### 5.12 Aldi Car Park:

Brian Bucket's letter to Australian Standards was tabled at the March meeting and has since been modified and to be signed by Clr Turner.

#### CONSENSUS:

That the Committee be provided with an update once a response has been received from Australian Standards.

#### 5.14 Access Friendly Project:

The Committee discussed which businesses to be visited. Elizabeth Bell clarified it was Adam Power from Holiday Coast Credit Union. Julie Priest will contact the Committee members after Easter to arrange the next Access Friendly visits.

#### CONSENSUS:

1. That the Access Friendly visits include the Holiday Coast Credit Union, ICE and Essential Ingredients.
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2. The Elizabeth Bell will send the Committee some photos of the Job Centre Australia function.

5.17.1 Rebel Sports Accessible Parking Space:

The PMHC Group Manager Compliance has been following up the Committee's request for Rebel to re-instate the accessible car parking space. Brian Bucket advised that the car parking space has now been re-instated.

CONSENSUS:

The Committee thanks Tim Atherton and Dan Croft for their work in this matter. This agenda item is now closed.

5.17.2 Taxi Requests for Kerb Ramp at Coles and Layback on Horton St Cab Rank:

Julie Priest and Malin Toft PMHC Traffic Engineer met with a Taxi Driver representative at the two sites. There are no kerb ramps at the taxi zone which is a barrier to access for people using wheelie walkers and wheelchairs. It is possible to install kerb ramps, however this could create a hazard of having a kerb ramp lead into a road which is not a designated crossing. Brian Bucket suggested a bench seat next to the kerb ramp may ameliorate this.

The request for kerb ramps at two taxi zones will next be sent to the Town Centre Masterplan Committee (TCMP) for their review.

CONSENSUS:

The Committee to be provided an update after the TCMP review.

5.17.3 Port High Accessible Car Parking:

The school has a willingness to explore options for informal parking arrangements with the parent concerned and work out a solution. This matter is now closed.

5.17.4 Koolunbung Creek Bridge - Footpath:

The gradient of the old existing footpath which links to the new footbridge is too steep. Council advises that the accessibility of the new bridge is not only significantly better than the old Buller Street bridge footpath but further, is now connected via a fully compliant kerbside footpath parallel to Buller St back towards the Motel and linked to a compliant pram ramp. Council has advised that the overall compliance and in some instances lack thereof, of the various footpaths around the bridge was discussed in detail with several TCMP members during the finalisation of the plan and eventual installation, including Brian who is a member of the Access Committee.

Brian asserts this was not the case and this did not happen. Julie suggested that in future more detailed notes are kept at such meetings to prevent further miscommunication.

CONSENSUS:

That the request for a compliant footpath which links to the Koolunbung Creek Bridge (Northern) end be added to the list of footpath requests.

5.17.5 Round-a-bouts Sight Limited by Vegetation:



George Payne thanked Council for attending to the round-a-bout at the Doughnut. The Road Safety Officer has advised that all round-a-bouts are on a scheduled maintenance program to comply with sight lines as mandated by the Roads and Maritime Services. This item is now closed.

5.17.6 Buller Street Pedestrian Refuge:

Brian Bucket tabled a letter asking clarification on what is the minimum depth of a pedestrian refuge. The Buller Street Refuge is over 3300mm wide and 1930mm deep. This exceeds the Austroads guidelines however the Australian Standards C6 diagram shows a depth of 2400mm as being standard.

CONSENSUS:

That this is investigated further and the Committee provided with an update at the next meeting.

5.17.7 Munster Street Footpath:

Julie Priest and Council's Road Safety Officer inspected the footpath near the round-a-bout where an over enthusiastic gardener has cut out edging along the path. Soil will infill the edging gap along the footpath. Brian Bucket advised the issue was the new footpath near the Hebrews café.

CONSENSUS:

That the footpath near the Hebrews café be inspected and an update provided at the next meeting.

5.17.8 Code of Conduct:

El Rose has been sent a copy of the Code of Conduct booklet.

CONSENSUS:

Elizabeth Rose to return a signed copy of the Code of Conduct declaration.

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**06 REVIEW OF DEVELOPMENT APPLICATIONS**

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The Access Committee reviewed the on exhibition documents for the proposed Town Centre and Town Square. Discussion about accessible car parking spaces which are not shown on the plans and seating took place.

The Committee has worked hard for two years to gain the two accessible parking spaces near the CWA which was constructed a year ago and these are the only parking spaces in the CBD that are near to accessible public toilets.

**CONSENSUS:**

That:

1. The Committee reviewed the information tabled at the meeting and recommends that the Town Square plan keeps the current allocation of 5 accessible/disabled parking spaces. Preference 1 with Crema accessible car parking space relocated to near the ice-cream retailer and the other 4 spaces remain as are. Preference 2 as an alternative the Committee could look at parking spaces in the middle as long as extra-length of the spaces is accommodated for longer vehicles. There to be unobstructed, clear and continuous access from the accessible parking spaces to the footpath.
2. The Committee reviewed the information tabled at the meeting and recommends that the Town Green ensures plenty of seating with shade in the Town Green and wide continuous and unobstructed footpaths. They endorse the relocation of the footpath to follow the river.

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**07 DISCUSSION ABOUT ACCESS STRATEGY**

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This matter was adjourned until the next meeting.

**CONSENSUS:**

That the Committee discuss the proposed Access Strategy at the May meeting.

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**08 RESIGNATION FROM SUB-COMMITTEE**

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Nik Sandeman Allen has formally resigned from the Port Macquarie-Hastings Access Sub-Committee.

**CONSENSUS:**

That:

1. The resignation from the Hastings Access Sub-Committee member Nik Sandeman-Allen be noted and accepted.
2. A letter be prepared to Mr Sandeman-Allen for the Chairperson to sign accepting his resignation and thanking him for his years of service.

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## 09 SAILABILITY PRESENTATION

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Wayne Evans (President) and Rick Eller (Vice President) of Sailability addressed the Committee about their plans for a permanent pontoon at McInherney Park linked via a footpath to the covered BBQ area.

Their proposed pontoon could accommodate two boats to load and unload and using a special swing hoist/crane. Currently the existing pontoon is not disability friendly and so no provision for a permanent crane, no grab rails, compliant gradient and pylons in the way.

Sailability is trying to fund raise the approximate \$130k for the pontoon which would be available for the wider community to use. Max Waters enquired about other users such as dragonboats and regatta.

Sailability invited the Committee to visit them at McInherney Park any 9.30am Wednesday morning after Easter. Council is also videoing / photographing the activity. Mayoral support via Australia Day Committee with the \$3k funds raised going towards the pontoon.

Sailability is hoping to apply for a Department of Primary Industries Fishing Grant. To be eligible for grants they will need an approved DA. Julie advised Council had been successful in receiving this for the Dunbogan accessible fishing platform. Sailability tabled a letter requesting Council assistance.

### CONSENSUS:

That:

1. The Committee note the presentation by Wayne Evans and Rick Eller from Sailability.
2. Julie Priest arrange a meeting with Recreation and Buildings and Sailability.

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## 10 GENERAL BUSINESS

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### 10.1 Accessible Hotel Accommodation:

Adrian Malcolm, a Central Coast resident who regularly holidays in Port Macquarie, addressed the Committee. Adrian spoke about his experience at the El Paso Motor Inn and he found the following was a barrier to access:

1. Prior to booking the accommodation Adrian rang El Paso Motor Inn reception and was advised on the phone that the room he booked was disability friendly;
2. The Shower screen has been removed and there is a drop in the floor level;
3. No fixed shower seat. Instead a flimsy plastic outdoor chair which is unsuitable to transfer too;
4. Adrian brought his own slip proof rubber mat for the shower (non was supplied);
5. The vanity unit is positioned too high and unable to use mirror; and
6. Low pan on the toilet seat was too low to transfer to.

Discussion continued with Helen Booby discussing her experiences and opportunity for Council to include in access friendly visit.

Clr Intemann thanked Adrian for travelling from the Central Coast and taking the time to discuss this issue with the Access Committee.

**CONSENSUS:**

That:

1. The Committee note the presentation by Adrian Malcolm.
2. Julie Priest contact El Paso and request an invitation for an Access Friendly visit.
3. Julie Priest discuss with Tourism / Economic Development and their network with the hotels and discuss option of education and awareness presentation to the wider hotel industry.

**10.2 Charles Stuart University**

Brian Bucket discussed the DA which includes a statement on limitations to the Accessibility Review and there may be a contradiction that any Australian Standards not referred to may not be addressed in the Certificate of Compliance and the Building Code of Australia (BCA) not referenced.

**CONSENSUS:**

Julie Priest to discuss with Development Assessment and provide the Committee with an update at the next meeting.

**10.3 Invitation to Garden Abilities Event:**

Committee members are invited to visit anytime between 10am to 2pm at The Lost Plot Community Garden on Central Road. Please note the date has changed to Wednesday 30<sup>th</sup> April.

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The meeting closed at 4.00pm.

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Item: 04  
Subject: DISCLOSURES OF INTEREST

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**RECOMMENDATION**

That Disclosures of Interest be presented

**DISCLOSURE OF INTEREST DECLARATION**

Name of Meeting: .....  
Meeting Date: .....  
Item Number: .....  
Subject: .....  
.....

I, ..... declare the following interest:

**Pecuniary:**  
Take no part in the consideration and voting and be out of sight of the meeting.

**Non-Pecuniary - Significant Interest:**  
Take no part in the consideration and voting and be out of sight of the meeting.

**Non-Pecuniary - Less than Significant Interest:**  
May participate in consideration and voting.

For the reason that: .....  
.....

Signed: ..... Date: .....

*(Further explanation is provided on the next page)*



**Further Explanation**

(Local Government Act and Code of Conduct)

A conflict of interest exists where a reasonable and informed person would perceive that a Council official could be influenced by a private interest when carrying out their public duty. Interests can be of two types: pecuniary or non-pecuniary.

All interests, whether pecuniary or non-pecuniary are required to be fully disclosed and in writing.

**Pecuniary Interest**

A pecuniary interest is an interest that a Council official has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the Council official. (section 442)

A Council official will also be taken to have a pecuniary interest in a matter if that Council official's spouse or de facto partner or a relative of the Council official or a partner or employer of the Council official, or a company or other body of which the Council official, or a nominee, partner or employer of the Council official is a member, has a pecuniary interest in the matter. (section 443)

The Council official must not take part in the consideration or voting on the matter and leave and be out of sight of the meeting. (section 451)

**Non-Pecuniary**

A non-pecuniary interest is an interest that is private or personal that the Council official has that does not amount to a pecuniary interest as defined in the Act.

Non-pecuniary interests commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

The political views of a Councillor do not constitute a private interest.

The management of a non-pecuniary interest will depend on whether or not it is significant.

*Non Pecuniary – Significant Interest*

As a general rule, a non-pecuniary conflict of interest will be significant where a matter does not raise a pecuniary interest, but it involves:

- (a) A relationship between a Council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the Council official or of the Council official's spouse, current or former spouse or partner, de facto or other person living in the same household.
- (b) Other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- (c) An affiliation between a Council official an organisation, sporting body, club, corporation or association that is particularly strong.

If a Council official declares a non-pecuniary significant interest it must be managed in one of two ways:

1. Remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official.
2. Have no involvement in the matter, by taking no part in the consideration or voting on the matter and leave and be out of sight of the meeting, as if the provisions in section 451(2) apply.

*Non Pecuniary – Less than Significant Interest*

If a Council official has declared a non-pecuniary less than significant interest and it does not require further action, they must provide an explanation of why they consider that the conflict does not require further action in the circumstances.



**SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION**

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
Address of land in which councillor or an associated person, company or body has a proprietary interest ( <i>the identified land</i> ) <sup>i</sup>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease trust, option or contract, or otherwise).  <input type="checkbox"/> Associated person of councillor has interest in the land.  <input type="checkbox"/> Associated company or body of councillor has interest in the land.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST</b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP ( <i>the subject land</i> ) <sup>iii</sup> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land.  <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain.  <input type="checkbox"/> Appreciable financial loss.

**Councillor's Signature:** ..... **Date:** .....



### Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the *Local Government Act 1993*. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

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- i. Section 443 (1) of the *Local Government Act 1993* provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative<sup>iv</sup> or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
  - ii. Section 442 of the *Local Government Act 1993* provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
  - iii. A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the *Local Government Act 1993* has a proprietary interest—see section 448 (g) (ii) of the *Local Government Act 1993*.
  - iv. **Relative** is defined by the *Local Government Act 1993* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.



Item: 05

Subject: BUSINESS ARISING FROM PREVIOUS MINUTES

<b>Item:</b>	5.1	<b>Date:</b>	12 March 2012
<b>Subject:</b>	Yellow Brick Road		
<b>Action Required:</b>	That a photo opportunity with the Committee be arranged upon completion of the project.		
<b>Current Status:</b>	Provide update at May meeting		

<b>Item:</b>	5.12		14 May 2012
<b>Subject:</b>	Aldi Car Park		
<b>Action Required:</b>	That the Committee be provided with an update once a response has been received from Australian Standards.		
<b>Current Status:</b>	Provide update once response received		

<b>Item:</b>	5.14		14 June 2012
<b>Subject:</b>	Access Friendly Project		
<b>Action Required:</b>	<ol style="list-style-type: none"> <li>1. That the Access Friendly visits include the Holiday Coast Credit Union, ICE and Essential Ingredients and El Paso Motor Inn</li> <li>2. That Elizabeth Bell will send the Committee some photos of the Job Centre Australia function.</li> </ol>		
	Provide update at May meeting		

<b>Item:</b>	5.17		10 February 2014
<b>Subject:</b>	Access Requests		
<b>Action Required:</b>	<ol style="list-style-type: none"> <li>1. Taxi requests for kerb ramp at Coles and layback on Horton St cab rank. The Committee to be provided an update after the TCMP review.</li> <li>2. Koolunbung Creek Bridge - footpath That the request for a compliant footpath which links to the Koolunbung Creek Bridge (Northern) end be added to the list of footpath requests.</li> <li>3 Pedestrian Refuge and Australian Standards</li> </ol>		

	<p>That this is investigated further and the Committee provided with an update at the next meeting.</p> <p>4. New footpath at Munster Street That the footpath near the Hebrews café be inspected and an update provided at the next meeting.</p> <p>5. Code of Conduct Elizabeth Rose to return a signed copy of the Code of Conduct declaration.</p> <p>6. Resignation of Mr Sandeman-Allen That a letter be signed by the Chairperson thanking Mr Sandeman-Allen for his years of service as a Committee member.</p> <p>7. Motel Accommodation A. Julie Priest contact El Paso and request an invitation for an Access Friendly visit. B. Julie Priest discuss with Tourism / Economic Development and their network with the hotels and discuss option of education and awareness presentation to the wider hotel industry.</p> <p>8. Sailability That Julie Priest arrange a meeting with Recreation and Buildings and Sailability.</p> <p>9. The Co Coffee Shop Port Macquarie Damaged footpath reported by resident who uses a wheelchair</p> <p>10. Damaged kerb at Surgery cnr Tunis and Bold St Laurieton Mike Ipsen identified an access issue</p> <p>11. GardenAbilities event at Community Garden Feedback about event</p>
	Provide update at May meeting



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**Item: 06**

**Subject: REVIEW OF DEVELOPMENT APPLICATIONS**

**Presented by: Community & Organisational Development, Lesley Atkinson**

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**RECOMMENDATION**

**That any Development Applications are reviewed by the Committee.**

**Discussion**

Any applications will be tabled at the meeting.

**Attachments**

Nil



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**Item: 07**

**Subject: DISABILITY STRATEGY**

**Presented by: Community & Organisational Development, Lesley Atkinson**

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**RECOMMENDATION**

**Committee notes the presentation about the development of the Disability Strategy.**

**Discussion**

Following the presentation the Committee discusses the proposed Disability Strategy.

**Attachments**

Nil

