



Port Macquarie-Hastings Access Sub-Committee

Business Paper

date of meeting: Tuesday 2 April 2019

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

time: 2.00pm

Port Macquarie-Hastings Access Sub-Committee

CHARTER

1. AIMS

- 1.1 To provide advice and recommendations to Council on strengthening accessibility to all public areas and public buildings within the Port Macquarie-Hastings LGA.
- 1.2 To develop projects that will improve physical access for people with a disability living in the Port Macquarie-Hastings LGA.
- 1.3 To oversee the implementation and monitoring of projects designed to meet the Disability Discrimination Act requirements in the relevant Council planning documents:
 - Delivery Program;
 - Operational Plans;
 - PMHC Disability Discrimination Act Action Plan 2008 2018; and
 - Other relevant documents.
- 1.4 To determine funding priorities for upgrades consistent with the 'Guidelines for Prioritising Access Funding' for PMHC Buildings and Facilities.

2. SUB-COMMITTEE MEMBERSHIP

- 2.1 Sub-Committee members will comprise of:
 - Councillor (Chairperson)
 - Community Members (14 members)
 - Ex officio - Place Making
 - Infrastructure
 - Development & Environment
- 2.2 Chairperson will be a nominated Councillor.
- 2.3 The role of the chairperson shall be to:
 - Chair meetings;
 - Compile agenda in consultation with Council staff member;
 - Ensure meetings are properly convened;
 - Oversee activities of the committee; and
 - Keep the order of proceedings, as set by the agenda.

In the absence of the chairperson, an alternate Councillor shall chair the meeting.

- 2.4 Council's Place Facilitator will be the Secretary for the meetings and will be responsible for:
 - Convening Committee meetings and provide written notice to all members at least 7 days prior to the scheduled meeting;

- Document minutes and forward a copy to Committee members within 14 days of the meeting;
 - Document the priorities for access works funding;
 - Maintain contact details of Committee members;
 - Provide support and resources to the Committee; and
 - Liaise with various areas of Council to bring access issues forward.
- 2.5 Membership of the Sub-Committee will be open to any member of the community that has a disability, is a parent/carer of a person with a disability, has some professional experience or has a demonstrated interest in access issues.
- 2.6 On an annual basis, all committee members will be requested to advise of their interest in remaining on the committee. Should there be any vacancies then membership will be open up to the community via a nomination process.
- 2.7 Members who are absent from three meetings without an apology may have their membership suspended.

3. MEETINGS

- 3.1 A minimum of six meetings will be held per annum.
- 3.2 Topics for the agenda should be forwarded to the nominated Community Development Officer no later than 14 days prior to the meeting date.
- 3.3 Agenda and minutes from the previous meeting will be circulated to members at least 7 days prior to the meeting.

All meetings of the Sub-Committee are public meetings. Members of the public and media can attend meetings as observers; however, they cannot speak at the meeting unless prior arrangements are made through the Sub-Committee Secretary. Presentations shall be limited to a maximum of 5 minutes.

4. QUORUM

- 4.1 A quorum will consist of at least six members of the Sub-Committee.

5. VOTING

- 5.1 Voting on recommendations are made by consensus and all decisions regarding the allocation of funding for works must be stated precisely for inclusion in the minutes.

6. COMMUNICATION

- 6.1 Members of the Sub-Committee are not permitted to speak to the media as representatives of the Committee unless approved by the chairperson.

- 6.2 Where approval has been sought from the chairperson, views and opinions expressed are those of the Port Macquarie-Hastings Access Sub-Committee and not of Port Macquarie-Hastings Council.
- 6.3 When endorsement is required from Port Macquarie-Hastings Council approval must be sought through the formal process.

7. PARENT COMMITTEE

- 7.1 Ordinary Council Meeting.

8. CODE OF CONDUCT

- 8.1 All members of the committee are to abide by Council's Code of Conduct.

Port Macquarie-Hastings Access Sub-Committee

ATTENDANCE REGISTER

Member	06/02/18	10/04/18	05/06/18	07/08/18	09/10/18	04/12/18	05/02/19
Councillor Peter Alley (Chair)	✓	✓	✓	✓	✓	✓	✓
Ben Oultram	✓	✓	✓	✓	✓	✓	✓
Bruce Gibbs	✓	A	✓	A	✓	✓	✓
Elizabeth Rose	✓	✓	A	✓	A	✓	✓
Helen Booby	✓	✓	✓	✓	A	✓	✓
Ian Irwin	✓	✓	✓	✓	✓	✓	✓
Julie Haraksin	✓	✓	✓	✓	✓	✓	✓
Cheryl Dimmock Lisa Sayers (alternate)	✓	A	A	A ✓	✓	✓	A
Mike Ipsen	✓	A	✓	✓	✓	✓	✓
Phil White	A	A	A	A	A	✓	A
Sharon Beard	✓	A	✓	✓	✓	✓	✓
Lucilla Marshall PMHC Group Manager Community Development	A	A	✓	A	A	✓	A
Julie Priest PMHC Aged & Disability Officer	✓	✓	✓	✓	✓	✓	✓

Key: ✓ = Present A = Absent With Apology X = Absent Without Apology

Port Macquarie-Hastings Access Sub-Committee Meeting
Tuesday 2 April 2019

Items of Business

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Item: 01

Subject: ACKNOWLEDGEMENT OF COUNTRY

"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."

Item: 02

Subject: APOLOGIES

RECOMMENDATION

That the apologies received be accepted.

Item: 03

Subject: CONFIRMATION OF PREVIOUS MINUTES

RECOMMENDATION

That the Minutes of the Port Macquarie-Hastings Access Sub-Committee Meeting held on 5 February 2019 be confirmed.

PRESENT

Members:

Councillor Peter Alley (Chair)
Ben Oultram
Bruce Gibbs
Elizabeth Rose
Helen Booby
Ian Irwin
Julie Haraksin
Mike Ipsen
Sharon Beard
Julie Priest (PMHC Aged & Disability Officer)

Other Attendees:

Sandra Wallace (PMHC Community Participation Manager)
Pip Cox (PMHC Road Safety Officer)
Graham Saunders (Observer)
Edward Laming (Resident)
Eight residents in support of Mr Laming (Observers)

The meeting opened at 2:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

CONSENSUS:

That the apologies received from Phil White, Cheryl Dimmock and Lucilla Marshall be accepted.

03 CONFIRMATION OF MINUTES

Julie Haraksin noted that the discussion item 05.05 Changing Places Adult Change Table, that the location of the facility was confirmed to be at the Plaza Car Park, adjacent to Short Street, Port Macquarie.

CONSENSUS:

That the Minutes of the Port Macquarie-Hastings Access Sub-Committee Meeting held on 4 December 2018 be confirmed.

04 DISCLOSURES OF INTEREST

Julie Haraksin disclosed her continued pecuniary interest in Item 5, that was declared at the 4 December 2018 Access Sub-Committee meeting, the reason being she owns a shop in Colonial Arcade.

Ian Irwin disclosed his continued pecuniary interest in Item 5, that was declared at the 4 December 2018 Access Sub-Committee meeting, the reason being he owns a shop in Colonial Arcade.

05 BUSINESS ARISING FROM PREVIOUS MINUTES

05.01 Access Friendly Project

Thank you to Sharon Beard, Cheryl Dimmock and Julie Priest for undertaking a visit to the businesses at Colonial Arcade. Some businesses were very helpful, others like the Colonial Cobbler and butcher have stair impediments. At the time of the visit the public toilet was unlocked and clean. There is no accessible toilet available. Met briefly with the Strata Manager Nicole Small and discussion about need for an accessible toilet. Development Assessment Officer advised due to age of building an accessible toilet would not be a condition of the old DA.

Cr Alley suggested Bunnings as the next location. Bruce advised there was inconsistent treatment of concrete around the pedestrian push buttons at the traffic lights.

CONSENSUS:

1. That correspondence be sent to Strata Manager recommending an accessible toilet be installed in Colonial Arcade facility.
 2. That the next Access visit be coordinated to review the new Bunnings and include an assessment of the pedestrian footpath and traffic lights.
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05.02.01 Accessible Updates

Pip Cox provided an updated about locations of existing and missing kerb ramps along Lake Road and the medical precinct. Discussion about linkages and safe connections as challenging gradients may impact on the feasibility. There may be an opportunity to look for funding. Committee members encouraged to take photos of missing links along that corridor and forward to her.

The Committee noted that the footpath link along Central Road from Park Lands Retirement Village to the post office has been completed.

Discussion about East Port Bowling Club. The four accessible car spaces are sandwiched between a dish gutter and light poles. The Australian Standard length is 5400mm. The length is 5000mm then a tyre stopper and 400mm. This prevents a vehicle requiring rear access / lifter to use these spaces.

A draft Council Report for \$30k annual budget for kerb ramps is being reviewed by Council staff. It is scheduled that the Report is presented to the March Council meeting, and if the funding is allocated, to be implemented in the new financial year 1 July 2019.

CONSENSUS:

1. That Pip Cox assess the feasibility of a completed link on one side of the road from the Lake Road round-a-bout to the Private Hospital and report back to the Committee at the June meeting.
2. That for the East Port Bowling Club accessible car park issue a joint two-pronged approach is implemented. Julie Priest and Pip Cox to approach the club seeking two additional accessible car parks in their private car park across the road. In tandem with creating an accessible route from the private car park to the Club.
3. That the Council Report for \$30k kerb ramp budget is presented at the March Council meeting.

05.02.2 DA review of an Entertainment Complex (next to Kmart)

The DA review was scheduled during December to January. Thank you to Bruce Gibbs, Julie Haraksin, Ian Irwin, Cheryl Dimmock and Sharon Beard who contributed to the review. The access concerns that were forwarded to the DA Planner for follow up with the Developer include:

- No drop off or taxi area;
- Concerns about pedestrian safety at the two drive-throughs;
- More accessible parking spaces required, located not along the main entry;
- Query if car park include lights indicating empty/full spaces;
- Concerns about the tiny size of the two lifts (1mx2m);
- No design of amenities at gym or ten pin bowling tenancies. Gym will require accessible shower;
- Concern if there are steps (17) up to the female toilets;
- Concerns about the distance between male and female toilets and route;
- Phil White advised the positioning of the accessible spaces in the cinema is a good distance from the screen;
- Cinema's 1 to 8 have a wall either side of the accessible seating area. Concerns as an accessible seat uses 1.5 seat width;
- The ramp which runs from ground to 3rd floor has a gradient 1:8, is non-compliant and incredibly steep;
- Fourth floor 160 seat venue access only via stairs or two tiny lifts; and

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- Managers apartment has staircase and concerns under EEO that a person with a disability cannot apply for the job.

05.02.03 Accessible Parking Project

A field excursion using the iPad to map the car parking spots will be organised in cooler months.

05.02.04 Changing Places Adult Change Table

The 'Boundless' amenity is currently being manufactured. It is expected to be installed and open before the end of the financial year. A blue tile will be used on one wall and the back door similarly coloured blue as part of being a more dementia friendly colour palette.

05.02.05 Development of an Airport Access Guide

Julie Priest has met with the new Airport Manager Peter Allen. By the middle of the year we will be able to take photos of the airport upgrade to include in the guide.

CONSENSUS:

That the development of the accessible access guide starts in June with the Access Committee.

05.02.06 Invitation to the 'Hands on History' exhibition launch

The Access Committee were invited to the launch at 11am Wednesday 13 February at the Port Macquarie Library. The exhibition is part of Council's 12 month Dementia Friendly programme, funded by Dementia Australia.

06 ACCESS TO NOBBY'S BEACH

Mr Edward Laming, resident and representative of Nobby's Beach walking community, addressed the Committee about his access concerns for the new stairs being installed at Nobby's Beach.

Eight residents were observers at the meeting in support of Mr Laming's concerns. He said the steep gradient of the stairs and having a central handrail do not conform to reasonable community expectations of access of utility and amenity. That it actively discriminates against community users who rely on the amenity and ease of access and for owners and dogs who rely on the current ease of access to the beach.

Council has classified this portion of the Coastal Walk as a Class 3 classification, Mr Laming advised he assessed it as a Class 2 classification.

He requested the maintenance and ongoing use of the existing steps and the existing path be maintained and for the Access Committee to oversee the existing track.

CONSENSUS:

That the Access Committee noted Mr Laming's concerns and requested Director Watkins to advise the Committee of the outcome of her investigations into options for retaining and maintaining the existing pedestrian access. That the outcome of this investigation and feasibility to be reported back at the next Access Committee meeting.

07 SOVEREIGN HILLS TOWN CENTRE - DISABILITY ACCESS

The Committee reviewed the plans of the Sovereign Hills Town Centre, noting that the DA has been approved and that this is for input into compliance of the Construction Certificate.

CONSENSUS:

That the Access Committee recommended the following concerns be raised for the certifying compliance certificate to create a more inclusive facility:

- Clarify ramp access to the facility;
- Recommend more accessible car parking spaces due to our demographics and that a path/walkway does not run through the middle of the shared zone of the parking spaces;
- Accessible toilet complies to Australian Standards;
- Size of lift, grab rails, braille signage complies to Australian Standards; and
- Query lack of parking near the proposed medical centre – recommend footpath drop-off or permit zone on street parking with ramp access and walkway.

08 GENERAL BUSINESS

08.01 PROPOSED KEW PARK LANDS

Mike Ipsen discussed the Kew Park Lands and that the concept design showed stairs in the path and this should be a zig-zag ramp. Sandra Wallace advised that this was a proposal by the Developer and in formative stages.

CONSENSUS:

That the Developer's idea for the Kew Park Lands is monitored and if it reaches concept plan stage the Access Committee to have input into the design.

08.02 TIMED DISABILITY PERMIT CAR PARKING

Bruce Gibbs advised that on a recent trip to the capital that North Sydney Council had a 2 hour limited accessible car parking zone. Bruce tabled a photo of the parking sign.

08.03 ENTERTAINMENT COMPLEX - COMMUNITY ENGAGEMENT

Bruce Gibbs advised that he was making a personal submission about the proposed design of the Entertainment Complex, especially in regards to the 'Access & Traffic Report' that the developer used to calculate the number of car parking spaces.

08.04 SENSATIONAL SENIORS EXPO

Members were invited to attend Council's Expo between 9am to 2pm on Monday 18 February at Panthers auditorium.

The meeting closed at 4:00pm.

Item: 04
Subject: DISCLOSURES OF INTEREST

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:
.....

Name:

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. The Council official must not be present at, or in sight of, the meeting of the Council at any time during which the matter is being considered or discussed, or at any time during which the council is voting on any question in relation to the matter. (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

By <i>[insert full name of councillor]</i>	
In the matter of <i>[insert name of environmental planning instrument]</i>	
Which is to be considered at a meeting of the <i>[insert name of meeting]</i>	
Held on <i>[insert date of meeting]</i>	
PECUNIARY INTEREST	
Address of land in which councillor or an associated person, company or body has a proprietary interest (<i>the identified land</i>)	
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.
MATTER GIVING RISE TO PECUNIARY INTEREST	
Nature of land that is subject to a change in zone/planning control by proposed LEP (<i>the subject land</i>) ⁱⁱⁱ <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 Name:

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^{iv} 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..
 - 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

Item:	5.01	5 February 2019
Subject:	Access Friendly Project	
Action Required:	<ul style="list-style-type: none"> • Committee to provide an update about the access visit to Bunnings and assessment of pedestrian footpath and traffic lights. • Discuss venues for next visit and when this will be scheduled. • Letter sent to Colonial Arcade Strata Manager about accessible toilet. 	
	Discuss at April meeting.	

Item:	5.02	5 February 2019
Subject:	Access Requests	
Action Required:	<p>1. Accessible updates</p> <ol style="list-style-type: none"> 3. Update about the Council Report for a \$30k kerb ramp budget proposal. 4. Update about the new accessible toilet at Comboyne War Memorial Hall. 5. Update about the footpaths being built as part of the Footpath Program. 6. Update about the missing tactiles near Coles at Innes Lake (Guide Dogs request). 7. Update about the Wauchope Pool on street parking and drop-off area. (Guide Dogs request). <p>2 Access Reviews Update about any DA reviews.</p> <p>3 Accessible Parking Project Update about the next field excursion using iPads to map the car parking spots.</p>	

	<p>4 Changing Places Adult Change Table Update about the 'Boundless' Exceloo module.</p> <p>5 Access to Nobby's Beach Update about the investigations into options of the feasibility for retaining and maintaining the existing pedestrian access.</p> <p>6 On Exhibition Council's 2019/20 Operational Plan Committee members are invited to make a submission about the draft Operational Plan.</p> <p>7 Dementia Friendly Programme Update about Council's <i>Four Seasons Programme</i> and presentation at the RED Conference (Regional Experiences in Dementia Care).</p>
	Discuss at April meeting.