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Ms Tricia Bulic
Director, Community and Economic Growth
Port Macquarie Hastings Council
PO Box 84
Port Macquarie 2444

Re: COMMERCIAL ACTIVITIES ON COUNCIL-MANAGED LAND – DRAFT POLICY

Dear Tricia,

Bonny Hills Progress Association has been following the development of this policy with considerable interest and we would like to submit the following comments.

While we have no concerns about the broad intent of the policy, we do see that the devil will be in the detail of its implementation as the documents available on PMHC Listening do not contain the Application Form (Attachment A) or the detailed fee structure.

To this end we provide:

- a) Some examples as tests of how and to whom the policy will apply; particularly in determining when it is deemed to be a commercial activity, and the appropriate fee(s) to apply; and in relation to achieving the stated aims. The fees do seem onerous in the case of infrequent events especially if a small business is involved.
- b) Additional comments and questions in relation to the implementation of the policy.

1. A local business owner wishes to thank his/her staff by holding a Christmas luncheon/party at one of the Reserves – is this a commercial activity? Would the answer be different if a commercial caterer was engaged to provide the food?

If it is deemed to be commercial, how would charges apply given that it is a one-off, or at most an annual event? Would the usual fees apply?

2. A personal trainer, who normally hires a local hall for the purpose of training, finds that 'on one summer's night' the facility is not suitable because the air conditioner is not working. Rather than abandon the session all participants agree to move down to the local Reserve.

This is definitely a commercial activity but given that it is a sudden and occasional event how will charges apply and how should notice be given to Council? Would the usual fees apply?

3. How is a club, like a paragliders association or a kayak club, to be regarded for the purposes of this policy?

4. A scenario could be envisaged where a mix of a club meeting, a person running a small coaching business for novices, and non-club members are all in attendance at an event using a Reserve collectively and/or concurrently.

How is it proposed that this situation be managed, particularly in terms of the overarching aims enunciated in the policy relating to overcrowding, public safety, and equitable access for the wider community; and given that in all likelihood insurance coverage would not apply to the non-club members?

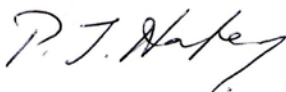
5. A safety issue that has been raised with us and we bring to your attention is the possible mix of youngsters or amateurs flying small powered planes, drones or kites, and other aerial activities like paragliding.

6. Another scenario that has been raised with us is that of an activity that may start on a Reserve but ends up impacting on residents outside of the Reserve, and the associated matter of how insurance coverage is to be ensured under these circumstances.

The specific case in point is that of paragliders ending up landing among people on a beach, or among houses in a residential area. The added complication here is that such incidents may or may not involve a commercial operator or people who are members of a club or attending a club activity, and so may not carry insurance.

Thank you for the opportunity to provide this input. Please do not hesitate to contact me if you need clarification on any of the issues raised.

Yours sincerely,



Phil Hafey
Secretary
BHPA
22nd November 2015