



Town Centre Master Plan Sub-Committee

Business Paper

date of meeting: Wednesday 22 October 2014

location: Emergency Operations Centre,
Central Road,
Port Macquarie

time: 8.00am

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**

Town Centre Master Plan Sub-Committee

CHARTER

1. ROLE

- 1.1 The Committee has the responsibility to make recommendations regarding the development, review and amendment as required of the Town Centre Master Plan.
- 1.2 To recommend works priorities – Capital and Maintenance - to Council for the implementation of the Town Centre Master Plan.
- 1.3 To act as a communication conduit between Council and the CBD stakeholders in respect to the Town Centre Master Plan.
- 1.4 Advocate for the Town Centre Master Plan to the community.
- 1.5 To recommend an annual Works Program and Budget to be adopted by Council as part of the IP&R Framework.
- 1.6 To review expenditures of funds raised externally to Council.

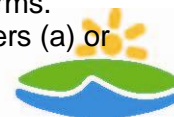
2. DELEGATED AUTHORITIES

- 2.1 To oversee appropriately authorised funds allocated to the Town Centre Master Plan Sub-Committee by Council within the approved budget.
- 2.2 To raise funds other than rates and loans to fund the objectives of the Sub-Committee through partnerships with other stakeholders i.e. Port Macquarie Chamber of Commerce; Tourism Board.
- 2.3 To promote the advantages of the CBD inside and outside the area.
- 2.4 To propose Press Releases promoting, informing and supporting the Town Centre Master Plan project.
- 2.5 From any external funds raised by the Sub-Committee purchase, manufacture, obtain and supply material for the promotion of the CBD.
- 2.6 Establish Working Parties as deemed appropriate.

3. SUB-COMMITTEE MEMBERSHIP

- 3.1 Sub-Committee members will comprise of:
 - Councillor (Chairperson)
 - Council Director Infrastructure & Asset Management
 - Council Group Manager Infrastructure Delivery
 - Council Group Manager Transport & Stormwater Network
 - 1 Community member (b)
 - 2 CBD Landowners (1a + 1b)
 - 1 Port Macquarie Chamber of Commerce representative (a)
 - 1 CBD Trader (a)
 - 1 CBD Trader/Landowner with demonstrated relevant technical expertise (b).
 - 1 Port Macquarie-Hastings Access Sub-Committee representative (a)
 - Non Council Members will be appointed for a two (a) / three (b) year terms. Terms will be staggered so that every year expressions for new members (a) or (b) will be called depending on rotation.

- 3.2 The Councillor appointed to the TCMP will hold the position of Chairperson



- 3.3 The role of the Chairperson shall be:
- Chairperson of meetings of the Town Centre Master Plan Sub-Committee
 - Representative of Sub-Committee, as appropriate
 - Attend Council Sub-Committee meetings, as appropriate
- 3.4 Additional people with specialised relevant background and expertise may be invited to assist the Committee with specific projects and/or time periods as determined by the Committee. These attendees will have no voting rights.

4. MEETINGS

- 4.1 Meetings will be held monthly depending on demand.
- 4.2 Topics for the agenda should be forwarded to the Chairperson no later than 14 days prior to the meeting date.
- 4.3 Meeting agendas will be circulated to members at least 7 days prior to the meeting.
- 4.4 Minutes from TCMP meetings will be circulated to members within 7 days of the meeting having taken place.
- 4.5 Members must declare, in writing, any interest in any report and/or agenda item before the meeting.

5 QUORUM

- 5.1 A quorum will consist of at least 50% plus one members of the committee, at least one of whom must be a full time Council Employee and at least 3 of whom must not be Council members.

6 VOTING

- 6.1 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.

7 COMMUNICATION

- 7.1 Members of the Sub-Committee are not permitted to speak to the media as representatives of the Committee unless approved by the Chairperson.
- 7.2 Where approval has been sought from (and granted by) the Chairperson, views and opinions expressed are those of the Town Centre Master Plan Sub-Committee and not of Port Macquarie-Hastings Council.
- 7.3 When endorsement is required from Port Macquarie-Hastings Council, approval must be sought through the formal process.

8 PARENT COMMITTEE

- 8.1 Ordinary Council Meeting.

9 CODE OF CONDUCT

- 9.1 All members of the Committee are to abide by Council's Code of Conduct.

Town Centre Master Plan Sub-Committee

ATTENDANCE REGISTER

Member	26/02/14	26/03/14	23/04/14	25/06/14	23/07/14	27/08/14
Councillor G Hawkins	✓	✓	A	✓	✓	A
Councillor M Cusato (alternate)	X	A	A	A	A	✓
Councillor R Turner			✓			
Jeffery Sharp	✓	✓	✓	✓	✓	A
Gary Randall	✓	✓	✓	✓	✓	✓
Brian Buckett	✓	✓	✓	✓	✓	✓
Brian Tierney	✓	✓	✓	✓	✓	✓
Jeff Gillespie	✓	✓	✓	✓	✓	✓
Michael Mowle	✓	✓	✓	A	✓	✓
Michelle Love	✓	✓	✓	✓	✓	✓
Stephen Byers	✓	✓	✓	✓	✓	A
Tony Thorne	✓	A	A	✓	✓	A
Michaela Sisk (non-voting)			✓	✓	✓	✓

Member	24/09/14					
Councillor G Hawkins	A					
Councillor M Cusato (alternate)	✓					
Councillor R Turner	✓					
Jeffery Sharp	✓					
Gary Randall	✓					
Brian Buckett	✓					
Brian Tierney	A					
Jeff Gillespie	✓					
Michael Mowle	A					
Michelle Love	✓					
Stephen Byers	A					
Tony Thorne	✓					
Michaela Sisk (non-voting)	✓					

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



**PORT MACQUARIE
HASTINGS**

Town Centre Master Plan Sub-Committee Meeting

Wednesday 22 October 2014

Items of Business

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**PORT MACQUARIE
HASTINGS**

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 Town Centre Master Plan Sub-Committee Meeting held on 24 September 2014 be confirmed.

PRESENT

Members:

Councillor Michael Cusato (alternate)
Jeffery Sharp
Gary Randall
Brian Buckett
Jeff Gillespie
Michelle Love
Tony Thorne
Michaela Sisk (non-voting)

Other Attendees:

Councillor Robert Turner
Beau Spry
Stewart Todd

The meeting opened at 8.06am.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

CONSENSUS:

That apologies from Councillor Geoffrey Hawkins, Brian Tierney, Michael Mowle, Stephen Byers be accepted.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Town Centre Master Plan Sub-Committee Meeting held on 27 August 2014 be confirmed with the following amendments:

The last sentence of Section 07, Kooloonbung Creek Pedestrian Footbridge, in the fourth paragraph should be deleted. The sentence to be deleted reads “ No recommendations relevant to the TCMP committee.”

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 BUSINESS ARISING FROM PREVIOUS MINUTES

It was noted that all business arising actions are complete.

06 WORKING PARTY UPDATES

Major Projects

Clarence Street Reconstruction:

Group Manager Infrastructure Delivery to clarify position on bus access after on site meeting / after receiving El Paso's feedback.

Design and construct Town Square:

The request for quotations and submissions were discussed, as was staff's recommendations.

Special Projects

2014/15 Footpath replacement:

Group Manager Infrastructure Delivery advised the works are now complete on Short Street between Clarence and Barracks Lane. Footpath work will commence on Short Street lower end (Hayward Street) in the coming weeks.

CONSENSUS:

1. That the Committee receive and note the updates provided by the TCMP Major
-

- Projects and Special Projects Working Parties.
2. That the Director Infrastructure & Asset Management investigates alternate methods of procuring the concept design for the Town Square. Given the importance of this project the committee accept the delays associated with its development.

07 PUBLIC ARTS POLICY

CONSENSUS:

That the Committee:

1. Receive and note the information provided in the report.
2. Provide feedback to Council's Community and Organisational Development section on the draft Policy and Guidelines no later than 13 October 2014 via a subcommittee working party consisting of Brian Tierney, Tony Thorne and Brian Buckett.

08 TOWN GREEN MASTER PLAN REVIEW

CONSENSUS:

That the Committee receive and note the information provided in this report.

09 KOOLOONBUNG CREEK PEDESTRIAN FOOTBRIDGE

RESOLVED:

1. That the Committee receive and note the report.

CARRIED: 6/0

FOR: Michelle Love, Brian Buckett, Jeff Gillespie, Cr Cusato, Jeffery Sharp and Gary Randall

AGAINST: Nil

2. That the chairman will meet with the General Manager and communicate the concerns of TCMP members with the report and its recommendations

CARRIED: 4/2

FOR: Michelle Love, Brian Buckett, Jeff Gillespie and Cr Cusato

AGAINST: Jeffery Sharp, Gary Randall

3. That the minutes of the previous meeting be amended to remove the sentence "No recommendations relevant to the TCMP committee."

CARRIED: 4/1

FOR: Michelle Love, Jeff Gillespie, Cr Cusato and Gary Randall

AGAINST: Brian Buckett

10 GENERAL BUSINESS

10.01 Banners in Horton and Hayward Streets:

It was advised that the banners on Horton and Hayward Streets need to be pulled down. It was requested that Council Staff be more vigilant in raising Town Centre issues to the relevant departments for action.

CONSENSUS:

That staff action the request to pull down the banners on Horton and Hayward Streets.

10.02 Bus Seating:

Bus seating was discussed and it was advised that Council Staff are currently looking into this.

Concern was also raised around the length of new bus stops being three bus lengths long. It was advised that this is a specification enforced by AusRoads and that a 45 meter length is now standard procedure.

The meeting closed at 10.08am.

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:

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

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>) 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 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.

-
- 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—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

Nil.



Item: 06

Subject: WORKING PARTY UPDATES

Presented by: Infrastructure & Asset Management, Jeffery Sharp

RECOMMENDATION

That the Committee receive and note the updates provided by the TCMP Major Projects and Special Projects and Preconstruction Working Parties.

Discussion

Major Projects Working Party Updates

Special Projects and Preconstruction Working Party Updates

Attachments

Nil

