



Town Centre Master Plan Sub-Committee

Business Paper

date of meeting: Wednesday, 24 April 2013

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. To recommend works priorities to Council for the implementation of the Town Centre Master Plan.
2. To act as a communication conduit between Council and the CBD stakeholders in respect to the Town Centre Master Plan.
3. Advocate of the Town Centre Master Plan to the community.
4. To recommend an annual Works Program and Budget.
5. To account for and approve expenditures of funds raised externally to Council.

Delegated Authorities to the Town Centre Master Plan Sub-Committee

1. To manufacture, purchase, obtain and supply promotional material for the promotion of the CBD from external funds.
2. To expend funds raised outside of Council as the Sub Committee deems appropriate eg promotions, entertainment, etc.
3. To establish Sub Committees as deemed appropriate.
4. To raise funds other than rates and loans to fund the objectives of the Sub Committee.
5. To promote the advantages of the CBD inside and outside the area.
6. To make Press Releases promoting and supporting the Town Centre Master Plan project.
7. To expend funds allocated to the Town Centre Master Plan Sub Committee by Council within the approved budget.

Town Centre Master Plan Sub-Committee

ATTENDANCE REGISTER

| Member | 04/04/12 | 09/05/12 | 11/07/12 | 18/07/12 | 01/08/12 | 22/08/12 |
|----------------|----------|----------|----------|----------|----------|----------|
| Jeffery Sharp | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Cliff Toms | A | A | ✓ | ✓ | ✓ | ✓ |
| Gary Randall | ✓ | A | ✓ | ✓ | ✓ | ✓ |
| Stephen Byers | A | ✓ | A | ✓ | X | ✓ |
| Anthony Wilson | ✓ | ✓ | A | ✓ | ✓ | A |
| Michael Mowle | ✓ | ✓ | A | ✓ | X | ✓ |
| David Capper | ✓ | ✓ | A | A | ✓ | ✓ |
| Robert Turner | ✓ | ✓ | A | ✓ | ✓ | ✓ |
| Brian Buckett | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Tony Thorne | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Brian Tierney | ✓ | ✓ | ✓ | A | A | A |
| Jeff Gillespie | ✓ | A | ✓ | ✓ | ✓ | ✓ |

| Member | 12/09/12 | 31/10/12 | 05/12/12 | 27/02/13 06/03/13 | 27/03/13 | |
|------------------------------------|----------|----------|----------|----------------------|----------|----------|
| Councillor G Hawkins | | | | ✓ | ✓ | |
| Councillor M Cusato (alternate) | | | | | | |
| Jeffery Sharp | ✓ | ✓ | ✓ | ✓ | ✓ | |
| Cliff Toms | ✓ | A | ✓ | ✓ | ✓ | |
| Gary Randall | ✓ | ✓ | ✓ | ✓ | ✓ | |
| Stephen Byers | ✓ | A | ✓ | ✓ | ✓ | |
| Anthony Wilson | ✓ | ✓ | ✓ | A | X | |
| Michael Mowle | ✓ | ✓ | ✓ | ✓ | X | |
| David Capper | ✓ | X | ✓ | ✓ | ✓ | |
| Robert Turner | ✓ | resigned | resigned | resigned | resigned | resigned |
| Brian Buckett | ✓ | A | ✓ | ✓ | ✓ | |
| Tony Thorne | A | ✓ | ✓ | ✓ | ✓ | |
| Brian Tierney | A | ✓ | ✓ | ✓ | ✓ | |
| Jeff Gillespie | ✓ | ✓ | ✓ | ✓ | A | |

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



**PORT MACQUARIE
HASTINGS**

Town Centre Master Plan Sub-Committee Meeting

Wednesday, 24 April 2013

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 27 March 2013 be confirmed.

PRESENT

Members:

Councillor G Hawkins
Jeffery Sharp
Cliff Toms
Gary Randall
Stephen Byers
David Capper
Brian Buckett
Tony Thorne
Brian Tierney

Other attendees:

Councillor R Turner

The meeting opened at 8.10am.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

Michael Mowle was absent without an apology.

CONSENSUS:

That the apology received from Jeff Gillespie be accepted.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Town Centre Master Plan Sub-Committee Meeting held on 27 February 2013 be confirmed with the following amendments and to be re-circulated.

Item 10 Update for rumble bar replacement in Port Macquarie CBD:

“Gary Randall explained that the pavers go in under the bedding” be changed to “Gary Randall explained that the pavers go in over the bedding”.

Item 14 General Business 14.01 Terms of Reference:

The meeting unanimously and enthusiastically endorsed the above plan and proposed the following resolutions in order to avoid the need to go through the tender process be changed to:

The meeting endorsed the above plan and proposed the following resolutions in order to avoid the need to go through the tender process.

Consensus of Item 14 General Business 14.01 Terms of Reference:

1. That the Committee engage Track Consulting to review the TCMP original document with a view to providing specific project items over the next 4 years and beyond.
2. Jeffery Sharp obtain the original TCMP document from Track Consulting and circulate to Committee.

Be changed to:

1. That the Committee support the engagement of Tract Consulting to review the TCMP original document with a view to providing specific project items over the next 4 years and beyond.
2. Jeffery Sharp obtain the original TCMP document from Tract Consulting and circulate to Committee.

That a line be drawn between the initial and reconvened meetings with attendees and apologies noted and recirculated to members.

04 DISCLOSURES OF INTEREST

Tony Thorne declared a Non-Pecuniary - Insignificant Conflict of Interest in Item 9 - Town Centre Master Plan Design Progress because it is a progress report on work being undertaken by his firm, King and Campbell, under contracts already issued by Council and there is no reasonable expectation or likelihood of financial gain as a result of Item 9.

05 BUSINESS ARISING FROM PREVIOUS MINUTES

Item 11 of 4/4/12- Port Macquarie CBD Landscaping Review.

Tony Thorne has not spoken with Liam Bulley for an update on the landscaping since the walk around with Anthony Wilson. Anthony Wilson asked whether TCMP Committee should seek professional advice from George Gallagher/Tract Consulting for the landscaping review. Tony Thorne suggested that George Gallagher is a higher level operator and the landscaping does not need input from consultants. Gary Randall reiterated that \$100,000 this financial year and \$150,000 in 2013/14 is in the budget for landscaping upgrades to include Horton Street from KFC to the lights. Clarence Street to West of Horton Street and all of Short Street are to be included in these works.

CONSENSUS:

1. That the landscaping review of the CBD be removed from Business Arising and made a standalone agenda item from the next TCMP meeting.
2. That Liam Bulley provide the Committee with a detailed status report of the CBD landscaping.

Item 9 of 5/12/12 – General Business TCMP Book Down Town.

Brian Buckett confirmed with the Historical Museum in relation to the sale of the book. The Historical Museum enthusiastically support the sale and internal promotion and are willing to proceed once advice from the TCMP Committee is received. The Chairman of the Historical Museum thinks that the book is an excellent publication and is willing to support the sale of the book with a \$2 commission per book.

CONSENSUS:

1. That Committee support the sale of the book at the Historical Museum for a price of \$12 which includes \$2 commission to the Museum.
2. That Brian Buckett provide contact details for the Museum to Jeffery Sharp. Jeffery Sharp to confirm stock of book for sale.

Item 10 of 27/2/13- Update on rumble bar replacement in Port Macquarie CBD.

Brian Tierney stated that TCMP proactive marketing approach aligns with the sale of the TCMP Down Town Book and suggested that a working party be set up to investigate TCMP marketing and promotion. Cllr Hawkins, Brian Buckett also agreed. Cllr Hawkins advised that he had previously discussed the marketing of TCMP with the Mayor who is in general support.

CONSENSUS:

1. That a working party be set up to investigate marketing and promotion of TCMP works. Jeff Sharp to advise details at the April meeting.
2. That Jeffery Sharp liaise with Council's communications team for the design of a TCMP logo and marketing plan.

Stephen Byers stated that the current status of TCMP does not get updated and reflected in the minutes and suggested outstanding items require ownership and a timeframe of when the item is to be finalised. Business Arising items should relate back to the line item of the financial model so the expenditure can be visualised.

Clr Hawkins noted that he and Jeffery Sharp had discussed various appropriate alternative formats for recording responsibility and timeframes of action items for the TCMP committee prior to the meeting. Stephen Byers said that the minutes do not have to be narrative and rather a brief snapshot of conversation and outstanding actions.

Item 10 of 27/2/13- Update on rumble bar replacement in Port Macquarie CBD.

Gary Randall pointed out that Committee members should all prepare for the meeting by reading the agenda so the meeting can be run through more quickly and updates are then not required during the meeting.

Cliff Toms agreed that the agenda/business arising items relating to expenditure can be cross referenced with items from the costings and activities spreadsheet.

David Capper queried the outcome of the money for the Beatles extravaganza. Jeffery Sharp confirmed that a report went to the Council meeting on 20 March 2013 seeking the approval of \$1,500 in support of the event. The report was noted at the Council meeting however it was not supported and only noted. Cllr Intemann raised a question on notice in relation to how the TCMP funding arrangements are broken down in sectors, with respect to the recent flooding in Short Street and feedback from effected residents/business owners. Cllr Hawkins and Jeffery Sharp have been working on the Works Program which will be provided to Councillors as a briefing note, rather than a report to Council.

Numerous photos have been received from ratepayers in relation to flooding in Short Street. Cliff Toms and Jeffery Sharp have had discussions on some remedial works in Short Street involving flood gates/valves to alleviate further damage in future flood events.

Gary Randall raised the rumble strips program as it was not formally part of the agenda. The Construction trial for the rumble strips took place on Saturday 23 March 2013. The concrete underneath the rumble strip was not found to be compromised. This means that a change to the order of pavers can be made and construction can take place with the existing slab. These works will begin after the school holidays with the continuation of all ramps to be upgraded. It takes one week to chip out bedding and relay. The program will commence on 6 May 2013 (day after Ironman) and continue for 5 weeks weather permitting.

Given the condition of the bedding slab, once the bedding is jack hammered out it is now proposed to lay a 60mm pavers rather than 80mm. Melbourne City Council have used the Bluestone pavers and they were also used at Darling Harbour. The bedding is a solid membrane and has a cushioning effect and the glue has flexibility.

CONSENSUS:

That Gary Randall circulate to the TCMP committee a memo with details of the change in construction methodology for the CBD Paver ramps rather than the resource estimate.

Item 12 of 27/02/12 Town Centre Bus Routing.

Cliff Toms has written to the Chamber of Commerce in relation to the impacts of the proposed changes to bus routes. The letter is to be tabled at the Chamber of Commerce meeting next week.

CONSENSUS:

1. That Cliff Toms forward the letter for the Chamber of Commerce to Tony Thorne to discuss at Chamber meeting.

At this point Jeffery Sharp vacated the Chair and handed proceedings over to the incoming Chair Cllr Hawkins. Jeffery Sharp thanked all members of the committee for their support in what has been an interesting and challenging role. Cllr Hawkins thanked Jeffery Sharp for his dedicated service over a long and sometimes difficult period. He particularly noted the additional challenges throughout the recent flood event. Cllr Hawkins asked the Committee for patience whilst he familiarises himself with all the issues.

06 TOWN CENTRE MASTERPLAN TERMS OF REFERENCE

Cllr Hawkins asked for feedback on The Terms of Reference document which was attached to the agenda.

Tony Thorne tabled whether the role of review of designs, construction and monitoring of projects should be stipulated in Terms of Reference (TOR). Brian Tierney noted that this role is broadly mentioned in Item 2.1. He also stated that the renaissance, administration and project management may be too big a task for Council officers to successfully manage with busy workloads. Cllr Hawkins noted that Councillors are currently reviewing the proposal from the General Manager of the structure of the Council as an organisation and that it was his personal view that there appears to be a deficiency of people/staffing in the infrastructure division. Cllr Hawkins also advised that it was his view that The TCMP would benefit significantly if two things were done:

- a) The appointment of a TCMP Project Manager (even if not a full time role), and
- b) with the contracting of George Gallagher to the earlier mentioned role.

Stephen Byers queried whether the TOR assumes a static TCMP committee; it doesn't seem to accommodate the review and renewal of important roles. The TOR also doesn't specifically make mention of the upcoming review by George Gallagher.

Cllr Hawkins reminded the Committee of discussions held at the previous meeting of 27 February 2013 in relation to the importance of the vision of the TCMP. Cllr Hawkins plan is for the TOR to be very much a live and evolving document.

Jeffery Sharp noted that the appointment of George Gallagher will need to cost less than \$150,000 otherwise the brief and scope of works may need to be altered. If this occurs there will need to be a tender process for the appointment of a Project Manager.

Cllr Turner also noted that any Councillor may attend TCMP Sub Committee meetings, however they will not have voting rights. This does not need to be added to the TOR as Councillors are entitled to attend any Sub Committee meeting of Council. Cllr Cusato is the alternate Councillor for the TCMP sub Committee.

Gary Randall asked what the appetite is for observers to attend the meeting. Cllr Hawkins stated that he welcomed any additional attendee if they can contribute and this is included in Item 3.4 of TOR.

Cllr Hawkins intends to distribute an expression of interest to call TCMP Sub Committee members before 30 June 2013. He also noted that The TOR has added another position to the TCMP Sub Committee.

Jeffery Sharp noted that in the past an invitation was sent out for EOI after only having 3 active members as well as Cllr Turner and the Chamber of Commerce representative. There was a reasonable interest and the Administrator opted to increase from the traditional base for members for the current Committee. The TOR does not have a timeframe for membership and does not allow for the vitality of the Committee to continue. Jeffery Sharp stated that the mechanics of the TOR should be put up to Council and for EOI to be renewed every 2 years. Brian Buckett suggested that half of the members should be renewed every 2 years so there is a continuation of experience at all times amongst the Committee.

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Cllr Hawkins asked whether it be possible to have a geographical grid to describe where TCMP works are being conducted which would illustrate allocation of funds to sections of the CBD. Gary Randall and Tony Thorne noted that previously works are described in blocks e.g. Horton Street East and West.

Cliff Toms mentioned that a mapping approach can be used giving reference to the capital works items and Council have the mapping resources at hand.

Cllr Hawkins noted that there was a reference from the TCMP minutes of 6 December 2011 to a report describing precincts – e.g. entertainment precinct. Cllr Turner noted that this terminology is used in the Urban Growth Strategy.

CONSENSUS:

1. That Jeffery Sharp, Gary Randall and Cliff Toms draft a brief of scope of works for George Gallagher and investigate the impact on the proposed works program if the brief needs to be altered. This information is to be circulated by 17 April 2013, prior to the agenda being distributed for the TCMP meeting of 24 April 2013.
2. That Jeffery Sharp, Gary Randall and Cliff Toms present a proposal to the Committee for identifying a model (potentially grid based) which presents past, current and future projects and their costings for the TCMP works.
3. That Jeff Sharp and Geoff Hawkins review the TOR noting the comments above with respect to rotating periods of appointment of members and also the need to include an ongoing requirement for the TCMP to maintain its relevance via a constant systematic search for renewal and excellence.

07 MASTER PLAN WORKS AND ACTIVITIES - 2012/13 EXPENDITURES TO DATE

Cliff Toms presented the 2012/13 Expenditure and Activity Mastersheet and noted that the main capital works item is the Kooloonbung Creek Pedestrian Footbridge. He also stated that there is a shortfall in resources in order to complete all projects in this financial year. Cllr Hawkins queried Item 5 Electricals and Item 21 Tastings of the Hastings in CBD in the Operational Expenditure. These items will be added to Item 9 Entertainment Precinct in Capital (New) Projects.

Jeffery Sharp noted item 23 Christmas celebrations and special activities includes the installation of conduits and power outlets. David Capper noted that there is no provision for the maintenance of the Christmas tree for cleaning, storage etc and asked whether there should be a provision in the operational expenditure. The Christmas tree is currently in Sydney and is being stored with the supplier. The life of the tree is approximately 3 years. Jeffery Sharp suggested that a working group be set up now to organise/discuss Christmas for 2013. Baubles are also subjected to UV degradation and need replacing.

CONSENSUS:

That the agenda/business arising items be relating to expenditure be cross-referenced with items from the Expenditure and Activities Mastersheet.

08 TOWN CENTRE MASTER PLAN - FINANCIAL MODEL

Brian Buckett suggested that a date rather than month be shown on financial model more clearly.

Cllr Hawkins noted that another spreadsheet by Kerrie Avery, Council's Corporate & Financial Planning Manager will be tabled in the future at TCMP meetings in conjunction with Cliff Tom's spreadsheets.

Jeffery Sharp mentioned that the proposed 13/14 works program will be adopted into the operational and delivery plans at the next Council meeting.

CONSENSUS:

That the Committee adopt a \$5,000 allocation each financial year for the Christmas tree into the budget for ongoing operational maintenance.

09 TOWN CENTRE MASTER PLAN - DESIGN PROGRESS

The Kooloonbung Creek Pedestrian Footbridge was adopted by Council on 20 March 2013 and Fleetwood Urban Pty Ltd were the accepted tenderer, who will work with the designer Opus International and the working party in order to deliver the project.

Clr Hawkins enquired about the price reviews at various stages on variations of materials/structure in the contract. Cliff Toms answered that a review is done at 60% within 3 to 4 weeks of the project and he will have further details by the next TCMP meeting.

Cliff Toms tabled the Town Green Staging Plan by David Tooby. Stage 1 focuses on the main footpath connections between the breakwall and in front of Rydges.

Stage 2 & 3 start from the West and Short Street and include the transition of the existing wharf. The hot issue was the removal of the boatramp, however this was deferred to a later stage. Stage 2 includes a multi-purpose viewing platform which can cater for bands, informal seating arrangements, etc. The next step is to present the recommendations to Councillors, immediately followed by community consultation and to add the plan onto exhibition for comment.

Stage 3 includes a boardwalk along the foreshore.

Stage 4 is the centre piece of Town Green and upgrade to of the path to the cenotaph and playground.

CONSENSUS:

Cliff Toms to circulate a copy of Town Green plan to TCMP Committee. Committee member to ensure the plan is kept in strict confidence until it is endorsed for public distribution.

10 PMHC GENERAL MANAGER AND TCMP MEMBERS WALKAROUND 20.4.2012

Item 10 was not discussed as Jeffery Sharp left the meeting at 10.20am.

Tony Thorne moved a vote of thanks to outgoing Chair Jeffery Sharp, seconded by all.

CONSENSUS:

That Jeffery Sharp and Clr Hawkins work through the list of items from the GM's walkaround and bring feedback to the next meeting.

11 GENERAL BUSINESS

Nil.

The meeting closed at 10:24am.

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 Conflict:

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

☐

Non-Pecuniary - Insignificant Conflict:

May participate in consideration and voting.

For the reason that:
.....

Signed: Date:

(definitions are provided on the next page)

Definitions

(Local Government Act and Code of Conduct)

Pecuniary

An interest that a person has in a matter because of a reasonable likelihood or expectation or appreciable financial gain or loss to the person or another person with whom the person is associated. (*LG Act s442 and s443*).

A Councillor or member of a Council Committee who is present at a meeting and has a pecuniary interest in any matter which is being considered must disclose the nature of that interest to the meeting as soon as practicable.

The Councillor or member of a Council Committee must not take part in the consideration and voting on the matter and be out of sight of the meeting. (*LG Act s451*)

Non-Pecuniary

An interest that is private or personal that the Councillor or member of a Council Committee has that does not amount to a pecuniary interest as defined in the LG Act.

If you have declared a non-pecuniary interest you have a number of options for managing the conflict. The option you choose will depend on an assessment of the circumstances of the matter, the nature and significance of your interest. You must deal with a non-pecuniary interest in one of the following ways.

Non Pecuniary – Significant Interest

(For example; family, a close friendship, membership of an association, sporting club, corporation, society or trade union).

- Have no involvement by absenting yourself from and not taking part in any consideration or voting on the issue as if the provisions in the LG Act s451(2) apply.
- A future alternative is to remove the source of the conflict (for example, relinquishing or divesting the personal interest that creates the conflict or reallocating the conflicting duties to another officer).

Non Pecuniary – Less than Significant Interest

- It may be appropriate that no action is taken. However, you must provide an explanation of why you consider that the conflict does not require further action.

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 [Tick or cross one box.] | <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 INTERESTⁱⁱ | |
| Nature of land that is subject to a change in zone/planning control by proposed LEP (<i>the subject land</i>) ⁱⁱⁱ [Tick or cross one box] | <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 [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land] | |
| Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land] | |
| Effect of proposed change of zone/planning control on councillor [Tick or cross one box] | <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^{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**

| | | | |
|-------------------------|--|--------------|------------|
| Item: | 08 | Date: | 01/08/2012 |
| Subject: | General Business | | |
| Action Required: | <p>Jeff Gillespie raised an issue currently being experienced with parking contributions associated with a DA and a concern that funds were not being allocated to the TCMP Sub-Committee but were being allocated to the car parking fund. Jeffery Sharp to investigate the concerns raised.</p> <p>That Jeffery Sharp investigate the parking contributions changes and report back to the Town Centre Master Plan Sub-Committee. Further report was presented as Item 7 on 5 December 2012.</p> | | |
| Current Status: | Full report to be provided at meeting. | | |

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|-------------------------|---|--------------|------------|
| Item: | 06 | Date: | 05/12/2012 |
| Subject: | Hay Street Forecourt | | |
| Action Required: | <p>That the Town Centre Master Plan Sub-Committee recommend to Council that:</p> <ol style="list-style-type: none"> 1. The Town Centre Master Plan Sub-Committee supports the outdoor dining application to be submitted by Kerry Lucinsky. 2. A plan of management for temporary activities in the Hay Street Forecourt be developed before commencing an Expression of Interest. 3. Council look at activation of the Glasshouse forecourt frontage. | | |
| Current Status: | For the Committee to consider inclusion of this project as part of the Master Plan Review. | | |

| | | | |
|-------------------------|--|--------------|----------|
| Item: | 10 | Date: | 27/03/13 |
| Subject: | <p>Propose to close out rumble bar item and replace with Marketing</p> <p>Update for rumble bar replacement in Port Macquarie CBD</p> | | |
| Action Required: | <p>That a TMCP works marketing approach be developed by Council's communications team and presented to a future meeting. A TCMP logo is to be used above/below and immediately adjacent to "Port Macquarie Town Centre Master Plan" in order to clearly distinguish ourselves from "normal" Council funded works / activities. This can be set up something that is easily copied and replicable in Wauchope, Camden Haven, etc. to enable a poster / boarding / fence etc to have the words added easily, simply and at low cost to the effect for example "Another project of..."</p> <p>That a TMCP works marketing approach be developed by Council's communications team and presented to a future meeting. A TCMP logo is to be used above/below and immediately adjacent to "Port Macquarie Town Centre Master Plan" in order to clearly distinguish ourselves from "normal" Council funded works / activities. This can be set up something that is easily copied and replicable in Wauchope, Camden</p> | | |

| | |
|------------------------|---|
| | <p>Haven, etc. to enable a poster / boarding / fence etc to have the words added easily, simply and at low cost to the effect for example "Another project of..."</p> <ul style="list-style-type: none"> a) That a working party be set up to investigate marketing and promotion of TCMP works. Jeff Sharp to advise details at the April meeting. b) That Jeffery Sharp liaise with Council's communications team for the design of a TCMP logo and marketing plan. c) That a working party be set up to investigate marketing and promotion of TCMP works. Jeff Sharp to advise details at the April meeting. <p>That Jeffery Sharp liaise with Council's communications team for the design of a TCMP logo and marketing plan.</p> |
| Current Status: | Full program yet to commence, strip fencing being investigated. |

| | | | |
|-------------------------|---|--------------|----------|
| Item: | 10 | Date: | 27/03/13 |
| Subject: | Update for rumble bar replacement in Port Macquarie CBD | | |
| Action Required: | <p>The Construction trial for the rumble strips took place on Saturday 23 March 2013. The concrete underneath the rumble strip was not found to be compromised. This means that a change to the order of pavers can be made and construction can take place with the existing slab. These works will begin after the school holidays with the continuation of all ramps to be upgraded. It takes one week to chip out bedding and relay. The program will commence on 6 May 2013 (day after Ironman) and continue for 5 weeks weather permitting.</p> <p>Given the condition of the bedding slab, once the bedding is jack hammered out it is now proposed to lay a 60mm pavers rather than 80mm. Melbourne City Council have used the Bluestone pavers and they were also used at Darling Harbour. The bedding is a solid membrane and has a cushioning effect and the glue has flexibility.</p> | | |
| Current Status: | Memo detailing change in construction methodology for CBD pavers was circulated to TCMP sub Committee on 11 April 2013. | | |

| | | | |
|-------------------------|--|--------------|----------|
| Item: | 12 | Date: | 27/02/13 |
| Subject: | Town Centre Bus Routing | | |
| Action Required: | <p>That Cliff Toms provide feedback to Busways following the walk around and provide this update in a report to the March Council Meeting.</p> <p>That Cliff Toms forward the letter for the Chamber of Commerce to Tony Thorne to discuss at Chamber meeting.</p> | | |
| Current Status: | Reported to Council meeting 17 th April 2013. Council resolved to express community concerns to Transport NSW in relation consultations by Busways on overall proposed route changes. Further update will be provided on Transport NSW response. | | |

| | | | |
|-------------------------|--|--------------|----------|
| Item: | 14 | Date: | 27/02/13 |
| Subject: | General Business - Terms of Reference | | |
| Action Required: | <ol style="list-style-type: none"> 3. That the Committee engage Tract Consulting to review the TCMP original document with a view to providing specific project items over the next 4 years and beyond. 4. Jeffery Sharp obtain the original TCMP document from Tract Consulting and circulate to Committee. | | |
| Current Status: | Update on Item 1 Original TCMP document from Tract Consulting has been received with copies to be circulated at meeting of 24 April 2013. | | |

| | | | |
|-------------------------|---|--------------|----------|
| Item: | 06 | Date: | 27/03/13 |
| Subject: | Town Centre Masterplan Terms of Reference | | |
| Action Required: | CONSENSUS: <ol style="list-style-type: none"> 1. That Jeffery Sharp, Gary Randall and Cliff Toms draft a brief of scope of works for George Gallagher and investigate the impact on the proposed works program if the brief needs to be altered. This information is to be circulated by 17 April 2013, prior to the agenda being distributed for the TCMP meeting of 24 April 2013. 2. That Jeffery Sharp, Gary Randall and Cliff Toms present a proposal to the Committee for identifying a model (potentially grid based) which presents past, current and future projects and their costings for the TCMP works. 3. That Jeff Sharp and Geoff Hawkins review the TOR noting the comments above with respect to rotating periods of appointment of members and also the need to include an ongoing requirement for the TCMP to maintain its relevance via a constant systematic search for renewal and excellence. | | |
| Current Status: | <ol style="list-style-type: none"> 1. Reported separately to this meeting. 2. Options to be presented at this meeting by Cliff Toms for further discussion. 3. See separate report on this agenda. | | |

| | | | |
|-------------------------|--|--------------|----------|
| Item: | 07 | Date: | 27/03/13 |
| Subject: | Master Plan Works and Activities - 2012/2013 Expenditures to date | | |
| Action Required: | CONSENSUS: <ol style="list-style-type: none"> 1. That the agenda/business arising items be relating to expenditure be cross-referenced with items from the Expenditure and Activities Mastersheet. | | |
| Current Status: | To be discussed under the Expenditure to Date reported separately on this agenda. | | |

| | | | |
|-------------------------|---|--------------|----------|
| Item: | 08 | Date: | 27/03/13 |
| Subject: | Town Centre Masterplan - Financial Model | | |
| Action Required: | <p>CONSENSUS:</p> <p>1. That the Committee adopt a \$5,000 allocation each financial year for the Christmas tree into the budget for ongoing operational maintenance.</p> | | |
| Current Status: | Included in revised financial model | | |

| | | | |
|-------------------------|--|--------------|----------|
| Item: | 09 | Date: | 27/03/13 |
| Subject: | General Business - TCMP Project Manager | | |
| Action Required: | <p>That the following items be included in the business arising for future meetings:</p> <ul style="list-style-type: none"> a) TCMP Project Manager b) TCMP Book - DownTown c) That Committee support the sale of the book at the Historical Museum for a price of \$12 which includes \$2 commission to the Museum. d) That Brian Buckett provide contact details for the Museum to Jeffery Sharp. Jeffery Sharp to confirm stock of book for sale. | | |
| Current Status: | <ul style="list-style-type: none"> a) Future report to meeting of 22 May 2013. b) Details received from Brian Buckett regarding b), c) and d). Museum contact and book sales yet to be established at museum. | | |

Item: 06

**Subject: TOWN CENTRE MASTER PLAN SUB-COMMITTEE TERMS OF
REFERENCE**

Presented by: Infrastructure Services, Jeffery Sharp

RECOMMENDATION

That the Terms of Reference document be adopted by the Committee.

Discussion

At the TCMP meeting of 27 March 2013, Draft Terms of Reference for the Committee were presented.

Resolved at that meeting was that more work be undertaken on the terms to include period of membership of the Committee.

The resulting Draft Terms of Reference are presented for consideration. If adopted it is proposed to call expressions of interest for the Committee Members roles with the first term for the members identified as (b) being for a three year period and the members as (a) being for two years to establish the stagger needed.

Attachments

1 [View](#). Town Centre Master Plan Sub-Committee Terms of Reference

Town Centre Master Plan Sub-Committee

Terms of Reference 18 April 2013

1. ROLE

- 1.1 To recommend works priorities – Capital and Maintenance - to Council for the implementation of the Town Centre Master Plan
- 1.2 To act as a communication conduit between Council and the CBD stakeholders in respect to the Town Centre Master Plan.
- 1.3 Advocate for the Town Centre Master Plan to the community.
- 1.4 To recommend an annual Works Program and Budget to be adopted by Council as part of the IP&R Framework.
- 1.5 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 Services
 - Council Group Manager Infrastructure Operations
 - Council Group Manager Technical Services
 - 1 Community member (a)
 - 2 CBD Landowners (1a + 1b)
 - 1 Port Macquarie Chamber of Commerce representative (b)
 - 1 CBD Trader (b)
 - 1 CBD Trader/Landowner with demonstrated relevant technical expertise (a).
 - Non Council Members will be appointed for a two year term. 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.

Item: 07**Subject: MASTER PLAN WORKS AND ACTIVITIES - 2012/13 EXPENDITURES TO-DATE****Presented by: Infrastructure Services, Jeffery Sharp**

RECOMMENDATION**The report be received and noted.****Discussion**

Since the last report to the meeting of the Committee in March 2013 Council Finance staff have developed a "master data base" to enable more efficient and clear financial reporting to the Committee.

Incorporated into the data base is now a facility to enable the "automatic" creation of a monthly standing report designed to be more reader friendly for the Committee as well as highlighting key reporting data such as expenditure to date , forecasted expenditure and % expenditure on budget. This spreadsheet has been developed from an original presented to Council by Councillor Hawkins.

Other data on project milestones is also provided to enable tracking of progress against agreed timelines. A copy of the new Monthly report is attached for information and discussion by the Committee

Discussion on the "new" spreadsheet is welcomed to ensure all details are presented for future Committee Meetings.

Attached this month is also a copy of the larger spreadsheet previously reported to the committee as part of this standing report.

Details of 2012/13 expenditures to date are summarised in the table below:

| Activity | Budget | Expenditure | Forecast Expenditure |
|-------------------|------------------------|------------------|----------------------|
| Operational | \$ 486,755.00 | \$268,811 | \$378,333 |
| Capital Renewals | \$ 720,764.00 | \$79,621 | \$583,700 |
| Capital New Works | \$ 1,955,482.00 | \$190,927 | \$555,000 |
| Totals | \$ 3,163,001.00 | \$539,679 | \$1,537,033 |

Attachments

1 [View](#). Town Centre Masterplan - Major and Secondary Projects

2 [View](#). Town Centre Masterplan Montly Progress Report

Town Centre Masterplan - Major and Secondary Projects

| Sub Type | TCMP Project No. | Results | Type of Project | Description | Comments on Progress | CED Grid Location | Project Owner | Commenced/Civil/Mission A - Tender Awarded | Civil/Mission B - Budget Opened | Values | |
|-------------------------|------------------|---------|------------------|---|---|-------------------|---------------|--|---------------------------------|------------------|----------------------------------|
| | | | | | | | | | | 2012/13 Budget | 2012/13 Actual - 2012/13 % Spend |
| Major Project | 1301 | 1 | Capital New | Reconstruction Kiosk/Bus Stop pedestrian bridge | 800K grant secured - design completed - detailed designs in progress | | Ciff Toms | 1/03/2012 2003/13 | 05/05/13 | 87,937 | 54,151 6.20% |
| | 1302 | 2 | Capital New | Reconstruction Kiosk/Bus Stop pedestrian bridge | William | | Ciff Toms | | | 7,753 | 11,456 147.76% |
| | 1303 | | Renewals | Street furniture and waste management audit/review | Not commenced needs scope of work confirmed with | | Jeff Sharp | | | 150,000 | 0 0.00% |
| | 1304 | | Renewals | Unlighting of Trees - Horton Street | Works completed | | Jeff Sharp | | | 30,000 | 28,700 95.67% |
| | 1305 | | Renewals | Reconstruction Pavement band repairs or replacements at intersections | Works programmed to follow timeline May 2013, this item is combined with repair of pavements at | | Gary Randall | | | 100,000 | |
| | 1306 | | Renewals | Repair of Pavement Intersections Horton and Chavasse Streets | As agreed on CED with agreed with Ciff Toms/Johns | | Gary Randall | | | 50,000 | 1,706 3.41% |
| | 1307 | | Renewals | Footpath Replacements - PM CED | Street old color capax/Works delays due to natural | | Gary Randall | | | 100,000 | 0 0.00% |
| | 1308 | | Renewals | Rehabilitation site to be determined - 22 February | As agreed on CED with agreed with Ciff Toms/Johns | | Gary Randall | | | 140,764 | |
| | 1309 | | Capital New | Reconstruction Creek Footpaths - Gordon to William TCMP | Concept design completed - detailed designs in progress | | Ciff Toms | | | 150,000 | 0 0.00% |
| | 1310 | | Capital New | Masterplan Forward Planning and Updates | Brief completed to be confirmed by Committee April 2013 | | Jeff Sharp | | | 0 | 0.00% |
| Secondary Project | 1311 | | Council Only | Short Street Flood and Drainage Solution | Completed in conjunction with Ciff Toms/Johns | | Jeff Sharp | | | 25,019 | 0 0.00% |
| | 1312 | | Capital New | Hayward St - Short to Horton St | Concept design completed - detailed designs in progress | | Ciff Toms | | | 1,833,713 | 86,113 4.70% |
| | | | Capital Projects | Balancing/leveling St Traffic Signals | Not commenced | | Ciff Toms | | | 0 | 0.00% |
| | | | Capital New | Develop Masterplan Templates in conjunction with TCMP | Not commenced | | Ciff Toms | | | 200,000 | 85,550 42.78% |
| | | | Council Only | Entertainment precinct - Management Plan and Works | Scope of works to be confirmed with Committee | | Jeff Sharp | | | 0 | 0.00% |
| | | | | Buller Street Bridge Level 2 Inspection | Not commenced | | Jeff Sharp | | | 0 | 0.00% |
| | | | | McDonalds/Horley/Clarence Kiosk | Pavement band cleaning and repairs | | Jeff Sharp | | | 0 | 0.00% |
| | | | | Parking Allocations | As agreed on CED with agreed with Ciff Toms/Johns | | Jeff Sharp | | | 0 | 0.00% |
| | | | | Only Hayward Walkaround | As agreed on CED with agreed with Ciff Toms/Johns | | Jeff Sharp | | | 0 | 0.00% |
| | | | Op Expenditure | Christmas celebrations and special activities | As agreed on CED with agreed with Ciff Toms/Johns | | Jeff Sharp | | | 125,000 | 33,439 26.75% |
| Secondary Project Total | | | Renewals | Project Manager | As agreed on CED with agreed with Ciff Toms/Johns | | Jeff Sharp | | | 50,000 | 25,107 50.37% |
| | | | | Trafalgar of the Hastings in CED | As agreed on CED with agreed with Ciff Toms/Johns | | Jeff Sharp | | | 150,000 | 17,225 11.48% |
| | | | | Landscape Upgrades | Update report provided for 24 April meeting | | Liam Bailey | | | 2,376,813 | 250,446 10.54% |
| Grand Total | | | | | | | | | | 2,376,813 | 250,446 |

Item: 08

Subject: TOWN CENTRE MASTER PLAN REVIEW

Presented by: Infrastructure Services, Jeffery Sharp

RECOMMENDATION

Committee members comment on the draft brief attached to this report for the review of the Town Centre Master Plan

Discussion

It was the consensus of the Committee at it's March 2013 meeting to circulate for Committee members comment a draft brief for the review of the Town Centre Master Plan.

A draft brief has been prepared and is now attached to this report for the Committee's consideration and comment.

Please note the brief is for a lump sum quotation and has been structured on Council's standard consultancy brief template. Sections 4 & 5 specifically target the relevant background and scope of works and it is suggested this aspect of the brief be the focus for discussion and comment by the Committee at this stage. The remaining Sections cover the contract administration aspects of the brief, however, comments on this component of the brief is also welcomed from interested Committee members.

The consultancy services is proposed to be procured in accordance with Council's Purchasing Policy (copy attached). This brief as drafted is expected to cost between \$50,000 to \$100,000 and in accordance with the Policy a minimum three (3) quotations is required with the Council General Manager having delegation to approve a preferred quote.

Staff believe that this proposed engagement and review will also specifically cover the Hay Street Forecourt review which remains as an outstanding outcome of an earlier Council resolution.

Attachments

1 [View](#). Draft brief for review of Town Centre Master Plan

2 [View](#). Council Purchasing Policy



PORT MACQUARIE
HASTINGS

Request for Quotation

FOR

TOWN CENTRE MASTER PLAN REVIEW

Request for Quotation No: RFQ-13-??

Submissions must be lodged by:
11:00am, Thursday ????
In the Official Quotation Box,

Port Macquarie-Hastings Council,
Cnr Lord & Burrawan St,
Port Macquarie, NSW 2444
(PO Box 84)

Revision Control

| Rev. No. | Date | Comments | Checked | Approved |
|----------|------|----------|---------|----------|
| | | | | |
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DRAFT

1 INTRODUCTION

Council proposes a review of the Port Macquarie Town Centre Master Plan (TCMP) and quotations are now invited from suitably qualified and experienced consultants to undertake the review in accordance with this project services contract. A copy of the TCMP is provided in Annexure A.

2 MASTER PLAN AREA

The TCMP was developed for the Port Macquarie town centre streets, foreshores, parklands and open space areas for the area shown on the map below.

INSERT MAP

3 BACKGROUND

Implementation of the TCMP commenced during 1996 under the overseeing of the Town Centre Master Plan Sub Committee of Council. Approximately 75% of the TCMP has been implemented in accordance with detailed engineering and landscape designs prepared by Geolink Pty during the early 2000's. Significant works were undertaken from 1996 to 2000 with more recent works being constructed in conjunction with large scale building developments.

Recent land use planning initiatives and design work has highlighted the overarching need to ensure the TCMP is relevant in terms of integration with current land use planning proposals and revitalising the town centre. Considerable building development has occurred since the development of the TCMP in 1992 which has changed the building form of the town centre particularly in the Clarence Street, Hay Street and Town Green precincts.

Council in collaboration with the Port Macquarie Chamber of Commerce, Tourism and TCMP Committee have facilitated in recent years numerous special events within the town centre, attracting thousands of visitors and locals. These events have also highlighted the need to ensure the TCMP accommodates the holding of these events as well continuing to attract visitors and local residents to the town centre with positive social and economic benefits.

4 PROJECT OBJECTIVES

The principal objectives of this project are:

- Identify ideas and opportunities for improvements to the TCMP;
- Work in collaboration with key stakeholders to assist the identification of opportunities
- Ensure outcomes align with current land use planning initiatives
- Identify realistic and achievable design and place management improvements which are relevant and appropriate to all users of the town centre
- Identify short, medium and long term improvements to the TCMP

It will be the Consultants responsibility to demonstrate through various reports how the principal project objectives are being achieved.

5 SCOPE OF SERVICES

The following scope of services are required to be delivered for this project. Consultants shall price these services in Schedule 1 – Schedule of Prices

5.1 PROJECT INCEPTION

The Consultant shall meet with Council's Project Team and nominated stakeholders initially to confirm the project delivery timelines and other contract administration related matters. The Consultant is encouraged to take opportunity on the day of the project inception meeting to visit the TCMP area and gather all relevant data, including information Council is prepared to provide.

5.2 BACKGROUND REVIEW & ANALYSIS

The Consultant shall collect and review all existing planning documentation relevant to the review of the TCMP. An analysis of the existing urban design strategy thinking shall be undertaken and a summary of the existing conditions in terms of site analysis, context and key opportunities and challenges for the town centre. In reviewing the data the Consultant shall have regard to recent changes to the built form of the town centre including but not limited to;

- The relocation of the Port Macquarie Post Office,
- The Glass House,
- Port Central,
- Rydges Hotel complex,
- The development of the high rise residential precinct at the end of Clarence Street.
- The Coles and Dan Murphy redevelopments off Hayward and Horton Streets

The Consultant shall also have regard to key planning strategies and initiatives including but not limited to;

- Towards 2030 Community Strategic Plan
- PMHC Development Control Plan 2011
- Hastings Urban Growth Strategy 2010
- PMHC Parking Strategy 2010
- NSW Government Draft Foreshore Plan of Management

Refer to Section 6 – Information to be supplied by Council to assist this review and analysis.

Deliverable:

Background summary report.

5.3 IDENTIFICATION OF KEY STRATEGIC OPPORTUNITIES

A review of comparable master plans shall be undertaken with key themes and catalysts for success that might apply to the Port Macquarie Town Centre identified. The key themes and catalysts shall be tested in collaboration with the TCMP Committee to ensure they are valid and appropriate to the town centre precinct.

Deliverable:

Strategic Opportunities Report

5.4 REVITALISATION SCENARIOS

The Consultant shall develop specific ideas that will revitalise the town centre. Development of these ideas shall involve a site visit and stakeholder workshop. Development of ideas shall include consideration of the relevance of the current "streetscape strategy" in the TCMP. Both physical works and ideas for place programming and events for specific precincts (eg Glass House and Town Green) shall be identified. Ideas and themes identified shall be developed into specific scenarios that revitalise and enhance the town centre. For the purposes of pricing this service Council anticipates a minimum four (4) scenarios with each additional scenario being priced as an additional item.

Deliverable:

Scenarios Summary

5.5 STAKEHOLDER WORKSHOP

Undertake specific stakeholder engagement to workshop the scenarios identified. The workshop is to be held with the TCMP Committee and other key stakeholders. The workshop shall be framed as an exchange of information and knowledge and "test" the scenarios presented with the view of reaching agreed improvement outcomes for the TCMP.

Deliverable:

Stakeholder workshop summary

5.6 REVISED MASTER PLAN DRAFT

Develop a draft revised TCMP to incorporate the agreed outcomes from the initial background review and analysis and the stakeholder engagements. The revised TCMP shall include suitable concept drawings and descriptions to guide future detailed designs and preparation of relevant development controls.

The draft shall identify potential short term "wins" that can be undertaken to prompt support for implementation of medium and longer term activities. The draft shall be tested and reviewed in consultation with the TCMP Committee and key stakeholders.

Deliverable:

Draft revised Master Plan including draft place management strategy and short term "wins" activities.

5.7 MASTER PLAN & IMPLEMENTATION STRATEGY

Develop a draft final revised TCMP to incorporate the agreed outcomes from Section 5.5 deliverables. The draft final plan shall include the necessary revised guidelines, plans, drawings and descriptions to guide future construction plans, maintenance scheduling and land use development planning including DA preparation.

The revised TCMP shall also include a detailed implementation strategy identifying short, medium and long term activities, including Place Management activities that have tangible social and economic benefits.

Deliverable:

Draft final Master Plan and implementation strategy

5.8 MEETINGS & CONSULTATIONS

Council anticipates the revised TCMP will be exhibited for wider community comment and may involve a community information session during the exhibition as well as a final presentation to Council prior to adoption of the final revised TCMP. The Consultant will be required to amend the draft final plan subject to the outcomes of the exhibition period. The Consultant shall prepare and provide information required for the exhibition ie displays, plans and documentation. Council will co-ordinate the exhibition period including necessary advertising, media releases and website updates etc. The Consultant will be required to liaise with Council's Communications team to confirm specific requirements for the project exhibition period.

The Consultant shall price in their fee proposals the following consultations identified in Sections 5.1 to 5.7 as follows:

- Project Inception meeting with project team (Section 5.1)
- One (1) site visit and stakeholder workshop (Section 5.4)
- Stakeholder engagement workshop (Section 5.5)
- Community information session
- Councillor presentation

The Consultant shall allow for costs in the fee proposal to undertake all ongoing consultations with Government Agencies, key stakeholders community, service provider and business interests.

Deliverable:

Outcomes of meetings and workshops documented in relevant documentation deliverables for Sections 5.1 to 5.8 inclusive.

5.8 PROJECT METHODOLOGY & TIMELINE

The Consultant shall submit with their project quotation a methodology on how the project scope of services is expected to be delivered. A timeline of key deliverables is also required to be submitted.

6 INFORMATION TO BE SUPPLIED BY COUNCIL

In addition to this Quotation document, the following information will be provided by Port Macquarie-Hastings Council:

TO BE CONFIRMED

The Street Map can be obtained by directly downloading the required files from Council's web site by using the following link

[Port Macquarie-Hastings Council - Hastings Street Directory](#)

The remaining information is supplied in a compressed zip file also available by visiting Council's web site at www.pmhc.nsw.gov.au and clicking on the word XXXXXXXXXXXX

All data supplied by Council remains subject to copyright vested in Council or the data supplier who has licensed use of the data to Council. At the completion of the project, no digital copies of the data supplied by Council are to be retained by the contractor without the written consent of Council.

7 ADMINISTRATION AND REPORTING

7.1 CONTACT WITH COUNCIL

The Project is to be coordinated by Council's XXXXXXXXXXXXXXXXXXXXXXXX

Tel No. 02 6581 XXXX

Fax No. 02 6581 8620

Email XXXXXXXXXXXX

Postal Address: Port Macquarie Hastings Council
P.O. Box 84
Port Macquarie NSW 2444

7.2 QUOTATION SUBMISSIONS

7.2.1 General

Quotations shall include completion and return of the following Schedules and Annexures provided in **Section 8** of this brief:

- Schedule of Prices for Components of Quotation – Schedule 1
- Schedule of Contractor's Experience – Schedule 2
- Schedule of Business Details – Schedule 3
- Schedule of Insurances – Schedule 4
- Council's Statement of Business Ethics – Annexure 1
- Minor Works Contract Conditions (Principle Administered) – Annexure 2

7.2.2 Lodgement Method

Council is not permitted to consider a Request for Quotation (RFQ) unless it is submitted to Council before the closing deadline, or unless evidence can be provided that all requisite essential information was posted or lodged at a Post Office or other recognised delivery agency, before the deadline for the closing of RFQ's. The RFQ must be deposited in the correct Quotation box located in the foyer at Council's Port Macquarie Office, Burrawan Street, prior to the closing time and date of the relevant RFQ.

RFQ LODGEMENT REQUIREMENTS AND CONSIDERATION OF QUOTATIONS

Quotations shall be submitted on the Forms and Schedules provided by Council in the attached Quotation Submission Documents, and shall be enclosed in a sealed envelope and the envelope marked legibly in block letters as follows:

RFQ No. RFQ-11-??

Quotation for: Review of Town Centre Master Plan

Quotations shall be then either delivered by hand or by courier and placed in the:

QUOTATION BOX
Ground Floor
PORT MACQUARIE-HASTINGS COUNCIL
Cnr Lord & Burrawan St
Port Macquarie NSW 2444

Or: Lodged electronically via Councils Quotationing web site at:
www.Quotationlink.com/pmhc.

(Contractors who have not already downloaded the quotation documents from the web site will be required to register on the web site and download the Quotation documents in order to be able to lodge an electronic Quotation).

Or: Mailed to the Quotation Box addressed as follows:

QUOTATION BOX
PORT MACQUARIE-HASTINGS COUNCIL
PO BOX 84
Port Macquarie NSW 2444
So as to be received before the closing time and date for quotations.
Time: 11:00am
Date: THURSDAY XXXXXXXXXX

7.3 SELECTION CRITERIA

Quotations will be assessed on "conformity to the documentation" and "value for money" which will include:

- Price
- Methodology and delivery times for project tasks
- Demonstrated communications capabilities particularly in working with Council, Committees, key stakeholders and the community
- Nominated project team skills & experience
- Experience in the undertaking of similar works to this brief

RFQ's should be submitted in accordance with instructions included in this Request for Quotation document and deposited in the correct Quotation box located in the foyer at Port Macquarie-Hastings Council.

A Contractor who is deemed to comply with the selection criteria and whose offer is the most advantageous to Council shall be awarded the works as detailed in the scope of works included in this RFQ.

Council will not be bound to accept the lowest or any quotation for any component of this RFQ and shall not be bound to call for fresh quotations in the event that a quotation is not accepted for the work detailed in this RFQ. A quotation shall not be deemed to be accepted unless it is accepted in writing.

Only quotations addressing all of the selection criteria will be evaluated. If you fail to address any of the above criteria your quotation will be deemed non-conforming and it will not be considered.

In addition to addressing the evaluation criteria, all Contractors are to complete the Schedule of Business Details & the Schedule of Insurances as included at the end of this document. Failure to do so may result in your RFQ being considered non-conforming.

8 GENERAL CONDITIONS OF ENGAGEMENT

8.1 GENERAL

The General Conditions of this Contract are the Australian Standard Minor works Contract Conditions (Principle Administered) AS 4906-2002. Although not included in the formal Contract Documents, AS 4906-2002 will be taken to be included as part of the Contract Documentation.

A copy of the Minor works contract conditions (Principle Administered) AS 4906-2002 is not supplied in the Quotation Documents.

8.2 GOODS AND SERVICES TAX

All prices and fees listed in the Quotation agreement are to be quoted exclusive of "Goods and Services Tax (GST)". The GST amount payable must be shown as a separate amount per item quoted.

8.3 INSURANCES

Contractors must maintain and be able to produce evidence of the following insurances: public liability - **\$10 million**, professional indemnity - **\$5 million** and other insurances as listed in the attached Schedule of Insurances. Details of these and other insurances required are to be documented in the attached Schedule of Insurances and evidence of these (i.e. Certificates of Currency) must be included with your quotation.

8.4 COLLUSIVE PRACTICES AND STATEMENT OF BUSINESS ETHICS

This Request for quotation has been prepared in accordance with the obligations of Port Macquarie-Hastings Council as contained in the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*. As such, Contractors and Council shall comply with the requirements of the above Act and Regulations and in particular attention is drawn to the obligations of Contractors, in the preparation and submission of their RFQ for this project. Without limiting the above obligation:

- Contractors must not engage in any form of collusive practise;
- Any Contractor who directly or indirectly canvasses support from an elected Councillor or staff member of Council will be disqualified;

All Contractors are required to sign the declaration included in this quotation document that states that all Contractors have read and understood the contents and meaning of Councils adopted Statement of Business Ethics. Failure to do so may result in your RFQ being considered non-conforming. A copy of the Statement of Business Ethics is included in this document.

8.5 COMPLIANCE WITH OCCUPATIONAL HEALTH AND SAFETY

8.5.1 General

Attention is drawn to the Occupational Health and Safety Act 2000 and the Occupational and Safety Regulations 2001, which requires that employers ensure the health, safety and welfare of their employees. All requirements under associated Acts, which provide legislation to the Occupational Health and Safety Act, are to be observed.

The Contractor is required to observe all the statutory safety requirements and to provide for the protection of persons and property as part of this Contract, and the Principal has powers to ensure compliance by the Contractor for the safety of all persons and property which may be affected by the conduct of Works.

8.5.2 Reports

The Contractor is to promptly report to the Principal all accidents involving death or serious personal injury, accidents involving loss of time or incidents with serious accident potential.

The reports are to be submitted in the form directed by the Principal.

8.5.3 Mandatory Safety Requirements

Safety precautions must include but not be limited to the following matters:

- OH & S General Induction for Construction Work in NSW
- Safety Helmets
- Overhead Protection
- Safety Protective Clothing, Footwear and Equipment
- Lighting
- Explosive Powered Tools

8.5.4 First Aid and Medical Facilities

The Contractor shall be fully responsible for the provision of first aid services to its staff and workforce, including the transport of injured personnel to hospital or other appropriate accommodation as and when required.

The provisions for first aid shall not be less than those required by the Occupational Health and Safety Code of Practice.

8.5.5 Control of Noise and Pollution

The operation of all plant and construction equipment shall be such that it does not cause undue noise and that it minimises atmospheric pollution. Compressors and air tools shall be fitted with residential type silencers.

The Contractor shall comply in all respects with the requirements of the Environment Protection Authority and the Workcover.

The Contractor shall not be entitled to additional payment if the Principal requires that measures be undertaken to reduce noise or pollution to comply with the paragraphs above.

8.5.6 Compliance

The Principal will only employ Contractors who have proved able to discharge their duties with respect to the health and safety of their employees and sub-contractors.

Contractors are required to comply with the Legislation, Regulations, Standards and Rules relating to occupational health and safety to the extent that they apply to the site and the works.

In particular, the Contractor must comply with the requirements of the following:

- a Commonwealth
 - i. Occupational Health and Safety (Commonwealth Employment) Act 1991
 - ii. Occupational Health and Safety (Commonwealth Employment) Regulations 1991
 - iii. Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulation 1994
- b New South Wales
 - i. Occupational Health and Safety Act 2000
 - ii. Occupational Health and Safety Regulations 2001

For the purposes of this Legislation the Contractor is appointed as the Principal Contractor.

Contractors will be assessed on the following:

- a. OH & S Policy and Safety manual
- b. Understanding of general site rules and ability to communicate to employees and subcontractors
- c. Condition of plant and equipment (incl plant maintenance procedures)
- d. Competence of employees
- e. Effectiveness of the contractor's supervisory arrangements
- f. Past OH&S performance
- g. Injury management and workers compensation performance
- h. Evidence of internal or third party audit

8.5.7 Traffic Control

The contractor must supply and maintain all necessary lights, barricades, signs, traffic cones etc. In accordance with the appropriate Roads and Traffic Authority Forms and Drawings and as specified. No road is to be completely closed to traffic without approval from Council through the Project Co-ordinator and insertion of notices in the local newspaper one (1) week in advance.

9 SCHEDULES AND ANNEXURES

The schedules or annexure shown on the following pages and listed below are to be provided with the Quotation

9.1 SCHEDULE OF PRICES FOR COMPONENTS OF QUOTATION – SCHEDULE 1

SCHEDULE OF PRICES FOR COMPONENTS OF QUOTATION

Submitted by:

of:

| Review of Town centre Master Plan | | | | | |
|---|-----|-------|-----------------------|-----|----------------------------------|
| DESCRIPTION | QTY | UNITS | RATE (excl GST) | GST | TOTAL AMOUNT \$ (excl GST) |
| SCOPE OF SERVICES | | | | | |
| 5.1 Project Inception Meeting | 1 | item | | | |
| 5.2 Background Review & Analysis | 1 | item | | | |
| 5.3 Identification of Key Strategic Opportunities | 1 | item | | | |
| 5.4 Revitalisation Scenarios | 4 | item | | | |
| 5.5 Stakeholder Workshop | 1 | item | | | |
| 5.6 Revised Master Plan Draft | 1 | item | | | |
| 5.7 Master Plan & Implementation Strategy | 1 | item | | | |
| 5.8 Meeting & Consultations (excluding item 5.1 and 5.5 above) | 1 | item | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| Totals | | | | | |
| ADDITIONAL ITEMS | | | | | |
| 1.Revitalisation Scenarios | 1 | each | | | |
| 2. Meetings | 1 | each | | | |
| 3. Workshops | 1 | each | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Consultants may list items additional to the scope of services under the "additional items" section of this Schedule. Additional item costs must NOT be included in the Total fees row.

.....
Contractor's Signature
.....

.....
Witness
.....

Port Macquarie Hastings Council
Technical Services Section

Project Services Contract

Dated:

Dated

9.2 SCHEDULE OF CONTRACTOR'S EXPERIENCE – SCHEDULE 2

SCHEDULE OF CONTRACTOR'S EXPERIENCE

The Contractor's experience in the execution of work similar to that included in this Contract will be taken into account when assessing the Quotation. Referees may be approached for information by the Principal when assessing the Quotation.

| Client | Nature of Work | Contract Value | Contract Period | Detail of Works |
|--------|----------------|----------------|-----------------|-----------------|
| | | | | |

Names of at least two (2) referees (including telephone numbers) who may be approached to establish that the Contractor has, in the recent past satisfactorily executed Works and Contracts of a similar nature to that included herein.

.....
Contractor's Signature
.....
Dated:

.....
Witness
.....
Dated

DRAFT

9.3 SCHEDULE OF BUSINESS DETAILS – SCHEDULE 3**SCHEDULE OF BUSINESS DETAILS****DETAILS**

Company or Trading Name:

ABN:

Registered for GST: Yes ☒ No ☐

Trade or Business Type:

Licence No. (Where Applicable):

Registered Office Address:

Principal Business Address:

Postal Address:

Telephone:

Facsimile:

Email:

Contact Name:

Please Note: If the Supplier is a Trust or a Trustee of a Trust, then a full copy of the trust deed **MUST** be submitted with the RFQ documents.

DECLARATION:

The Supplier named above has fully acquainted itself with the conditions and all related matters pertaining to this RFQ and agrees to be bound by the terms and conditions as included in the document. By submitting this RFQ the Supplier warrants and represents that it has made its own enquiries and investigations and has obtained professional advice and all other relevant information so as to inform itself of all risks and contingencies, which may affect its Quotation price. The Supplier warrants and represents that it has included for all such risks and contingencies in its submitted price.

NAME: _____

SIGNATURE: _____

JOB TITLE: _____

DATE: _____

9.4 SCHEDULE OF INSURANCES – SCHEDULE 4

SCHEDULE OF INSURANCES

In reference to the specific types of Insurance policies listed below, please indicate which policies are currently maintained by your organisation.

Workers Compensation or Personal Accident and Illness Insurance: (if applicable)

Insurance against any death of or injury to persons employed by the Supplier as required by the Workers Compensation Act 1987.

Alternatively: Where the Supplier has **no employees** and in lieu of Workers Compensation Insurance, insurance for personal accident and illness under a policy that provides:

Weekly benefit period of at least 75% of weekly income; death & capital benefits of at least A\$250,000 and a minimum benefit period of 24 months.

| Insurance Company | Policy No. | Value | Expiry Date |
|-------------------|------------|-------|-------------|
| | | | |

Public Liability Insurance:

- Insurance against the death or injury to any third party or parties or loss of or damage to any property including loss of use of property whether it is damaged or not whatsoever caused during the course of the contract. The policy shall contain a cross liability clause and a "principal's clause" and shall have a limit of indemnity of not less than the amount indicated for any one occurrence, but shall be unlimited in the aggregate.

Insurance Required – A\$10 million

| Insurance Company | Policy No. | Value | Expiry Date |
|-------------------|------------|-------|-------------|
| | | | |

Motor Vehicle Insurance (If Applicable):

In the case of any motor vehicle used in the performance of any contract, a Motor Vehicle Insurance policy covering accidental damage, fire and theft will be required. The policy shall be for a sum not less than the full market value of the vehicle, noting the Principal as joint insured. In addition, where such vehicles are:

Registered Vehicles

- Insurance against any injury to any third party or parties under a Compulsory Third Party Insurance as required by the *NSW Motor Accidents Act, 1988* and
- Insurance against loss of or damage to any property whatsoever caused by the use of the vehicle when being driven by the Supplier, its employees or any person not employed by the Supplier. The policy shall have a limit of indemnity of not less than **A\$20,000,000** and shall be extended to include "Bodily Injury Gap" cover and shall note the interest of the Principal as an insured.

Unregistered Vehicles (Plant)

Please Note: Any damage arising as a result of the plant being used as a "tool of trade" is to be covered by either an extension of the Suppliers Comprehensive Motor Vehicle Insurance or the liability endorsed onto the Suppliers Public Liability Insurance.

| Insurance Company | Policy No. | Value | Expiry Date |
|-------------------|------------|-------|-------------|
| | | | |

Port Macquarie Hastings Council
Technical Services Section

Project Services Contract

SCHEDULE OF INSURANCES (Continued)

Professional Indemnity Insurance:

Professional Indemnity insurance for a limit for any one claim of not less than the amount indicated below. The policy shall be maintained from the completion of the contract for the period indicated.

The policy shall include the following extensions:

Unlimited retroactive date; Automatic reinstatement clause; Libel and slander;
Contractors clause; Cross liability clause; Principal's" clause; and
Trade Practices Act (Commonwealth) and Equivalent Fair Trading Acts (State) Clause.

Insurance Required – A\$5 million

Please inform us of the amount of insurance held if less than A\$5 million _____

| Insurance Company | Policy No. | Value | Expiry Date |
|-------------------|------------|-------|-------------|
| | | | |

.....
Contractor's Signature
.....
Dated:

.....
Witness
.....
Dated

9.5 COUNCIL'S STATEMENT OF BUSINESS ETHICS – ANNEXURE 1

STATEMENT OF BUSINESS ETHICS – ANNEXURE 1

9.5.1 Purpose Of This Document

This Statement of Business Ethics is intended to provide a clear understanding of mutual obligation; it helps set the ethical ground rules for all business dealings between Port Macquarie-Hastings Council and suppliers & business partners. It applies to all business partners and suppliers, including providers of goods and services, contractors, Consultants and consultants.

It defines Council's ethical standards and establishes Council's expectation that all Suppliers will meet these standards. It also provides businesses dealing with Council with a degree of understanding of what to expect in such dealings.

This Statement aligns to Council's core values, primarily through the value of 'Openness and Accountability'. In keeping with this value, Council will endeavour to behave with integrity, impartiality, transparency and fairness at all times.

This Statement of Business Ethics also explains what the consequences are for Staff, Councillors, suppliers & business partners of not complying with the requirements of this statement.

9.5.2 What Is The Impact Of Business Ethics?

9.5.2.1 ICAC Advice

It should be noted that the Independent Commission Against Corruption (ICAC) in NSW defines those people employed by Council as consultants or contractors to be 'public officials'. When engaged by Council, consultants & contractors are subject to the jurisdiction of ICAC and are considered to be "public officials" for the purpose of the ICAC act.

In addition, any individual can be found corrupt by the ICAC (even if they are not a public official) if they try to improperly influence a public official or Council's honest or impartial exercise of its official functions.

Further information relating to the ICAC Act is readily available to all Suppliers (including Consultants, contractors and consultants) at the ICAC web site – www.icac.nsw.gov.au and copies of all relevant Council policies are also available at any time.

9.5.2.2 Impact for Suppliers & Business Partners

By aligning business practices with Council's ethical expectations, suppliers & business partners can expect to:

- Compete for business on an even playing field;
- Establish practices, which put them in good stead in competing for works with other public sector agencies.

If suppliers & business partners to Council do not comply with this statement, then the consequences may be as follows:

- Formal investigation for corruption or other offences;
- Possible loss of work;

- Termination of contracts;
- Damage to reputation;
- Loss of rights (such as loss of operating or trade licences etc).

9.5.3 Impact for Council Staff

If Council Staff do not comply with this statement, then the consequences may be as follows:

- Formal investigation;
- Disciplinary action;
- Dismissal;
- Potential criminal charges.

9.5.4 How to Comply

9.5.4.1 Council

Council aims to follow processes that are transparent and to act with impartiality, honesty and fairness and to be consistent in all measures. Council expects its entire staff to abide by the law and all relevant policies and procedures.

Fairness means being objective, reasonable and even-handed. It does not mean pleasing everyone. Council will strive to be fair by ensuring that our processes are appropriate and demonstrate this by being open and accountable, wherever practicable. This does not mean that Council will always go to formal Quotation or that we will call for bids for items of low monetary value. Council will only deal exclusively with parties in exceptional circumstances and where we can demonstrate there are valid reasons for doing so, based on sound probity principles and in line with the Local Government Act 1993 and related regulations.

As a local government body, Port Macquarie-Hastings Council has a commitment to ensure community funds are expended efficiently, effectively and economically and aims to attain "best value for money" in its business dealings with the private sector.

"Best value for money" is determined by considering all the factors, which are relevant to a particular purpose – for example:

- Experience;
- Quality;
- Reliability;
- Timeliness;
- Service;
- Initial & ongoing costs.

It is important to note that "Best value for money" does not automatically mean the "lowest price". It means the offer that is most advantageous to Council after considering the above factors

9.5.4.2 Council Staff and Councillors

Council has a formally adopted Code of Conduct for its Staff and Councillors. The Code embraces the concept of integrity, ethical conduct and accountability throughout its organisation. Our staff are accountable for their actions and are expected to act in the public interest.

As stated in Councils Code of Conduct:

"Port Macquarie-Hastings Council values its tradition of integrity, responsibility and fair dealing. Our ratepayers need to have confidence that as Councillors and employees we will continue to strive to maintain the highest standards in our dealings with the community we serve. Our Code of Conduct reflects Council's determination to attract the highest level of confidence from our community and we commend it to you."
(Page 2, Code of Conduct 2005)

Staff and Councillors are expected to act in accordance with this Code of Conduct and to maintain the highest standards of ethical behaviour consistent with the positions they hold. Equally, suppliers and business partners are expected to demonstrate the equivalent behavioural standards.

9.5.4.3 Procurement and Quoting

Staff and Councillors must abide by the law and all its policies, procedures and practices, particularly those related to Procurement and Quotationing, including relevant legislation and codes of practice. All Procurement and Quotationing actions and decisions will be fully documented to a standard that will withstand scrutiny through an audit process. Please note that all pricing will remain confidential where it is considered that a commercial advantage may be gained/lost through disclosure.

All Council Staff will be accountable for their actions and are required to act in the public interest and to always act with due care, integrity, transparency and fairness.

All Council Staff are also expected to:

- Avoid conflicts of interest;
- Treat all potential providers of goods & services equally;
- Abide by the law;
- Strictly comply with Council's adopted *Code of Conduct*, particularly in relation to incentives, gifts and benefits;
- Disclose any conflict of interest, including related party employment.

9.5.4.4 Suppliers & Business Partners

General requirement

Council requires all those with whom it deals in the provision of goods and services, including business partners to observe the following principles:

- Act fairly, ethically and honestly in all dealings with Council;
- Not to disclose confidential Council information;
- Not to exert pressure nor influence on Council Staff or Councillors that may cause them to waiver from Council's *Code of Conduct*;
- Not to directly or indirectly canvass support from an elected Councillor or staff member of Council during a formal Quotation period. Doing so will result in disqualification from the process;
- Not to engage in any form of collusive practice;
- To abide by relevant legislative processes and industry codes of practice in all procurement and Quotationing dealings;
- To have respect for the obligation of Council Staff and Councillors to act in accordance with this Statement of Business Ethics;
- Commit to not offer Council Staff or Councillors inducements or incentives such as money, gifts, benefits, entertainment or employment opportunities;

- Ensure that all sub-contractors and other people engaged by the supplier or business partner are aware of this statement and the consequences of breaching it.

Communication requirement

As a general principle, all communication with suppliers & business partners to Council should be *clear, direct & accountable*. Suppliers & business partners also have an obligation to ensure that their communication with Council abides by the above three principles, in order to minimise the risk of inappropriate influences being brought to bear on the business relationship.

There will be times where some communication needs to be strictly confidential for commercial-in-confidence or other reasons. This however should not preclude proper accountability and both parties should be able to explain the reasons for instituting specific communication protocols or keeping some communication confidential.

Public perception of inappropriate influence can be extremely damaging to the reputation of both parties, even if nothing has occurred. Therefore it is in the best interests of both parties to ensure that formal communication processes are observed at all times and that all communication supports Council's core values of integrity, impartiality, transparency and fairness.

Quoting

This Statement of Business Ethics will form part of all formal procurement processes, including requests for quotation, expressions of interest and Quotations for Council and all Consultants will be asked to submit a signed declaration stating that they have read and fully understood the contents of this full statement in relation to their dealings with Council.

9.5.5 What happens if I think there is a breach?

If you are concerned about a possible breach of this statement, or about any conduct that could involve fraud, corrupt conduct, maladministration or serious and substantial waste of public funds, please contact Council's General Manager, or one of Council's Directors.

Please be aware that if you do approach a Council Director with such a report, it is a requirement of ICAC that the Director must inform the General Manager immediately.

It should also be noted that once the General Manager is made aware of a possible breach as described above, that it is incumbent upon him or her to report this directly to the ICAC.

For Council staff, please refer to Council's policy titled "Corruption, Maladministration & Serious Substantial Wastage - Reporting Of (C23)" for more information on the processes that you are required to follow in the case of a possible breach of this statement.

Port Macquarie Hastings Council
Technical Services Section

Project Services Contract

**STATUTORY DECLARATION ON
STATEMENT OF BUSINESS ETHICS DECLARATION**

The Contractor must complete and submit this form with Quotation. All submitted information will be treated as confidential

I, _____ (Print name),

Of _____ (Quotating Organisation),

Do hereby solemnly declare and affirm the following:

1. I hold the position of _____, and am duly authorised by the Quotating organisation to lawfully proclaim the following and, after having made due inquiry believe the following to be accurate to the best of my knowledge.
2. The Contractor and the Contractor's representatives have read and fully understand the contents and meaning of the Port Macquarie-Hastings Council Statement of Business Ethics as included as part of these Quotation documents.
3. The Contractor and the Contractor's representatives agree to be bound by the standards of ethical behaviour as detailed in the Port Macquarie-Hastings Council Statement of

*Port Macquarie Hastings Council
Technical Services Section*

Project Services Contract

Business Ethics and will not exert pressure nor influence Council staff that may cause them to waiver from Council's *Code of Conduct*.

4. The Contractor agrees not to directly or indirectly canvass support from an elected Councillor or Council staff member during the formal Quotation period, or be disqualified.
5. The Contractor and the Contractor's representatives agree to have respect for the obligation of Council Staff to act in accordance with the Statement of Business Ethics.

I make this solemn declaration as to the matter aforesaid, according to the law in this behalf made, and subject to the punishment by law provided for any wilfully false statement in any such declaration.

Signature of Contractor: _____

Subscribed and declared at: _____

This: _____ Day of _____ (Year) _____

Before me: _____ (Print name)

Witness: _____ (Signature)

(Justice of the Peace or authorised person)

9.6 MINOR WORKS CONTRACT CONDITIONS (PRINCIPLE ADMINISTERED) – ANNEXURE 2

Minor Works Contract Conditions (Principle Administered) – Annexure 2

PART A of the Annexure to the Australian Standard Minor works contract conditions (Principle administered) and shall be read as part of the contract.

1. *Principal* (clause 1): Port Macquarie Hastings Council
2. *Principal's Address*: P.O. Box 84
Port Macquarie NSW 2444.....
3. *Contractor*:

ABN
4. *Contractor's Address*:
5. Period of time for practical completion (clause 1): 30 April 2008
6. Contractor's Security: Nil
7. Amount of limit of indemnity for damages to other property of *Principal* (subclause 10.1(a)): \$10 000 000
8. The amount of public liability insurance cover in respect of any one occurrence shall not be less than (clause 12): \$10 000 000
9. The time for giving possession of the *site* to *Contractor* (clause 17): within 14 days after the date of acceptance of the Quotation.
10. Liquidated damages (subclause 20.5)
 - a) Rate: \$200 per week
 - b) Limit: 10% of the *contract sum*
11. Delay damages, rate (subclause 20.6): \$ 0 per day
12. *Defects liability period* (clause 21): 26 weeks.
13. Time for progress claims (subclause 23.1): monthly
14. The rate of Interest on overdue payments (subclause 23.4): 18% per annum
15. Arbitration (subclause 27.3)
 - a) The person to nominate an arbitrator: President of the Australasian Dispute Centre.
 - b) Rules of Arbitration: Rules 5-18 of the Rules of The Institute of Arbitrators Mediators Australia for the Conduct of Commercial Arbitrations.

| | |
|---------------------------------|------------------|
| Contractor's Signature | Witness |
| Dated: | Dated |

DRAFT

**PURCHASING
POLICY**

| | |
|-----------------------------|---|
| Responsible Officer | Manager Business Services |
| Contact Officer | Michael Robinson 6581 8309 0422 829 109 michael.robinson@pmhc.nsw.gov.au |
| Authorisation | Port Macquarie-Hastings Council |
| Effective Date | 17 November 2003 |
| Modifications | 20 December 2004 7 March 2005 12 February 2007 14 February 2007 |
| Superseded Documents | |
| Review | To be reviewed annually by the Manager Business Services |
| File Number | |
| Associated Documents | N/A |

1. INTRODUCTION

This policy is to detail standard purchasing practices across Council.

2. POLICY OBJECTIVE

To standardise current purchasing practices and procedures across Council.

3. POLICY SCOPE

This policy applies to all Council staff.

4. DEFINITIONS

N/A

5. LEGAL & POLICY FRAMEWORK

N/A

6. POLICY STATEMENT

The purpose of this document is to standardise current purchasing practices and procedures across Port Macquarie-Hastings Council. This document will define the policies by which best practice purchasing of goods and services can be fulfilled. This document will also address some key issues relating to the Accounts Payable process as purchasing procedures directly impact upon them.

The following practices and procedures have been developed following guidelines as per *Local Government Act 1993* and publications from *The Independent Commission Against Corruption*, September 2001.

7. IMPLEMENTATION

7.1 Roles and Responsibilities

Procurement Coordinator.

7.2 Support and Advice

Procurement Coordinator.

7.3 Communication

The community and Council staff will be informed of the new or amended policies via Lotus Notes.

7.4 Procedures and Forms

N/A

7.5 Guidelines

N/A

8. REVIEW

This policy is to be reviewed annually at a minimum.

POLICY

PURPOSE

The purpose of this document is to standardise current purchasing practices and procedures across Port Macquarie-Hastings Council. This document will define the policies by which best practice purchasing of goods and services can be fulfilled. This document will also address some key issues relating to the Accounts Payable process as purchasing procedures directly impact upon them.

The following practices and procedures have been developed following guidelines as per *Local Government Act 1993* and publications from *The Independent Commission Against Corruption*, September 2001.

Philosophy & Objectives

The following guidelines are designed to ensure that all expenditure of public and ratepayer funds on the purchase of goods & services result in the best value for Port Macquarie-Hastings Council and the community. The objectives of these practices and procedures are to establish a framework for the implementation of Council's purchasing arrangements as follows:

- Purchases may be partially assessed on their direct & indirect economic consequences to the Port Macquarie-Hastings Local Government Area.
- All suppliers will be given fair and equitable consideration at all times, whether from within the Port Macquarie-Hastings Local Government Area or otherwise.
- All practices and procedures regardless of the size of the transaction be open & transparent and able to withstand public scrutiny.
- Facilitate the procurement of goods and services in the most timely and cost effective manner possible.
- Ensure that Port Macquarie-Hastings Council meets all its Legal and Statutory obligations in relation to procurement.
- Ensure that all departments within Council understand their individual responsibility for following these guidelines.
- Ensure that all goods & services purchased meet appropriate quality standards as set by Council from time to time.

GST

Please note that all dollar values mentioned throughout these policies and procedures are GST exclusive. This relates to levels of delegated authority as well as quotations and tenders gained for the purchase of goods and services.

Delegated Levels of Authority

Appropriate levels of authority to incur and approve expenditure will be strictly adhered to and will be monitored regularly. These levels of authority can be found in the Port Macquarie-Hastings Council Policy records – “Delegated Authorities”.

Delegated Authority levels for Cheque/ EFT requisitions or approval of invoices were authorised in December 2004. As with the current structure of delegated authorities, the limits put in place will be strictly adhered to with the onus being on the individual employee to ensure they do not abuse their authority level.

Current delegated authorities will also be applicable to the use of Purchase Cards (P-Cards) across Council. There will be transactional limits as well as monthly credit limits, all tied to a person's current level of authority. Please refer to the separate policy on P-Cards for more details.

An individual Council officer's current level of delegated authority is also applicable at any of the Council's stores and depots. If a person is requesting a store issue greater than their current level of authority, the issue will be refused and authority will be required from their direct manager or supervisor as per any normal requisition for goods and services of greater value than their current level of authority.

Expense Reimbursement

If a Council officer has incurred expenses in the course of their work for Council, in particular at the attendance of conferences, workshops or deputations etc, then to claim for reimbursement they must complete a “Claim for Reimbursement/Summary of Expenses” form. All claims for reimbursement are to be authorised by the Council officers direct manager or supervisor. Once authorised, the completed claim form, along with the original receipts are to be forwarded to the payroll department. Payment will be made by EFT through the Accounts Payable Section to your nominated payroll account.

Cheque Requisitions

Currently, there are several circumstances where a cheque requisition may be required as opposed to following the standard purchasing procedures. Some of these circumstances are listed as follows:

- Donations
- Supplier request
- Conference registrations
- Refunds

In all cases, an official Tax Invoice or receipt that details all relevant information is required from the supplier in order for the cheques to be raised.

If requesting a refund for monies paid to Council, then Council officers must ensure that they supply a receipt number and a receipt date; otherwise refunds cannot be processed.

Tenders & Contracts in Excess of \$150,000

For contracts in excess of \$150,000, formal tenders are to be invited by public advertisement in accordance with *Section 55 of the Local Government Act 1993 & the Local Government (General) Regulation 2005*. Such tenders will be submitted to Council, together with a recommendation from the Council Officer or Evaluating Committee calling tenders.

If a Government contract already exists for the Goods or Services in question, then it is at Council's discretion whether it wishes to tender separately or simply use the Government contract already in place.

Tender Evaluation

A tender Evaluation Committee will be formed to evaluate all tender responses. For common use period contracts for the supply of goods & services, the Evaluation Committee will consist of (for example) the following representatives:

- 1 x Manager, Corporate Support (or Purchasing Officer)
- 1 x Officer responsible for tender Lodgement
- 1 x Project Manager

For all other tenders, an evaluation committee is still to be formed and should consist of at least 3 x representatives. The relevant Manager will choose whom the Evaluation Committee representatives should be, dependant on the type of goods & services tendered for. It is imperative that the Evaluation Committee remains representative of the entire Council and that the Manager, Corporate Support be present as one of the Committee representatives. There can be more than 3 x representatives on any Evaluation Committee as long as there are an odd number of Committee members.

Below are the general key areas to be taken into consideration when evaluating a tender:

- **Price** – while price is one of the most important aspects of Procurement, it does not always follow that the lowest price will always win the contract. The requirement is for the most commercially favourable and advantageous tender to be accepted. This may not necessarily be the cheapest tender, but it may address more adequately other areas of evaluation.
- **Commercial Considerations** – these might include the ability of the supplier to deliver the goods and/or services as and when required; the capacity of the supplier to meet environmental and OH&S standards; any previous poor supply performances; inferior product quality; ability to meet appropriate quality standards as set by Council; suitability of the product being tendered.
- **Financial Considerations** - the financial viability and stability of the supplier. If there are questions in this regard, then appropriate advice should be sought.

Please note that each individual tender may include its own set of evaluation criteria. The above points are simply the minimum to be considered when evaluating a tender.

For full details on how tenders are evaluated and dealt with within Council, please refer to the separate policy document on Tenders.

Goods & Services between \$100,00 - \$150,000

For contracts between \$100,000 - \$150,000, either a formal tender is to be invited by public advertisement in accordance with Council's official Tendering Policy or three formal written quotations will be required. Such tenders may be submitted to Council, together with a recommendation from the Council Officer or Evaluating Committee calling tenders or authorised & signed by the General Manager.

If a Government contract already exists for the Goods or Services in question, then it is at Council's discretion whether it wishes to tender separately or simply use the Government contract already in place.

Goods & Services between \$50,001 - \$100,000

There are two (2) options open to Council staff for goods & services of this value. They can either choose to tender for the relevant goods & services following the guidelines listed in the above clause "Tender Evaluation" or obtain at least three (3) written quotations in accordance with *the Local Government Act* and the most advantageous to Council shall be selected. Only the General Manager has the delegated authority to approve Goods & Services of this value unless otherwise determined.

Under no circumstances are orders to be split so that the total value of the order falls under the amount of the individual's authority level. If an entire order is of greater value than the individual's delegated authority level, it must be referred to the appropriate manager for further authorisation.

- Detailed specifications & "Requests for Written Quotation" are to be provided to the suppliers providing quotations.
- Documentation must be retained on file regarding the process undertaken to source the successful supplier.
- Unsuccessful bidders will be notified in writing.
- If for some reason three (3) written quotes cannot be obtained, the reasons are to be documented and referred back to the appropriate manager.
- Upon opening quotations, a schedule of responses will be prepared and forwarded to the appropriate officer or Committee for evaluation.
- The appropriate officer or committee will review all quotations and if not accepting the lowest priced bid, then the reasons must be documented and forwarded to the appropriate manager for acceptance and sign off.
- The Manager may accept or reject this recommendation. If rejected, then the entire process is to recommence. If the Manager decides to accept another supplier not recommended, then full justification for this decision must be documented and recorded.

Goods & Services between \$10,001 - \$50,000

At least three (3) written quotations are to be obtained in accordance with *the Local Government Act* and the most advantageous to Council shall be selected. If for some reason three (3) written quotes cannot be obtained, the reasons are to be documented and referred back to the appropriate Manager.

Under no circumstances are orders to be split so that the total value of the order falls under the amount of the individual's authority level. If an entire order is of greater value than the individual's delegated authority level, it must be referred to the appropriate manager for further authorisation.

- Detailed specifications & "Requests for Written Quotation" are to be provided to the suppliers providing quotations.
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- Upon opening quotations, a schedule of responses will be prepared and forwarded to the appropriate officer or committee for evaluation.
- The appropriate officer or committee will review all quotations and if not accepting the lowest priced bid, then the reasons must be documented and forwarded to the appropriate manager for acceptance and sign off.
- The Manager may accept or reject this recommendation. If rejected, then the entire process is to recommence.

If the Manager decides to accept another supplier not recommended, then full justification for this decision must be documented and recorded.

Goods & Services between \$2,001 - \$10,000

At least two (2) written quotations are to be obtained in accordance with *the Local Government Act* and the most advantageous to Council shall be selected. If for some reason two (2) written quotes cannot be obtained, the reasons are to be documented and referred back to the appropriate Manager.

Under no circumstances are orders to be split so that the total value of the order falls under the amount of the individual's authority level. If an entire order is of greater value than the individuals delegated authority level, it must be referred to the appropriate manager for further authorisation.

- The appropriate officer will review all quotations and if not accepting the lowest priced bid, then the reasons must be documented and forwarded to the appropriate manager for acceptance and sign off.
- The Manager may accept or reject this recommendation. If rejected, then the entire process is to recommence.

If the Manager decides to accept another supplier not recommended, then full justification for this decision must be documented and recorded.

Goods & Services between \$250 - \$2000

Council Officers with appropriate authority are granted the ability to purchase goods and services up to the value of \$2,000 depending entirely on each individual's level of authority.

Under no circumstances are orders to be split so that the total value of the order falls under the amount of the individual's authority level. If an entire order is of greater value than the individuals delegated authority level, it must be referred to the appropriate manager for further authorisation.

- In *all* instances, a formal Requisition Form is to be completed and delivered to the Purchasing Officer by whatever means possible.
- The more accurate the information on the requisition form, the more efficient the service provided by the Purchasing Department.
- If a requisition is found to be higher in value than the employees delegated authority level, the order will immediately be referred back to the employee for further approval by their appropriate manager and no further action will be taken with this requisition until such approval is granted.

- At least two (2) verbal quotations are required for goods and services at this level of order value. These two verbal quotations are to be recorded on the requisition with the supplier's names, contact details and prices.

Goods & Services under \$250

Council Officers with appropriate authority are granted the ability to purchase goods and services up to the value of \$250 depending entirely on each individual's level of authority.

Under no circumstances are orders to be split so that the total value of the order falls under the amount of the individual's authority level. If an entire order is of greater value than the individual's delegated authority level, it must be referred to the appropriate manager for further authorisation.

- In *all* instances, a formal Requisition Form is to be completed and delivered to the Purchasing Officer / Stores either by fax or in person.
- The more accurate the information on the requisition form, the more efficient the service provided by Purchasing / Stores.
- If a requisition is found to be higher in value than the employee's delegated authority level, the order will immediately be referred back to the employee for further approval by their appropriate manager and no further action will be taken with this requisition until such approval is granted.
- At least one (1) verbal quotation is required for goods and services at this level of order value. The verbal quotation is to be recorded on the requisition with the supplier's name, contact details and prices.

Preferred Supplier Arrangements

In accordance with *Local Government Act 1993*, preferred supplier arrangements allow individual purchases to be made without calling for tenders or quotations. Council is continuing to appoint Preferred Suppliers through the formal Tendering or Request for Quotation process and a list of these suppliers can be found in Council's Preferred Supplier register, available on Lotus Notes.

It is expected that such arrangements will be in place for large volume, or frequently purchased products, thus eliminating the need to obtain quotations for purchases. The results for Council will be reduced prices on core, large volume products and services and more efficient use of internal resources.

If large volumes of particular goods or services are required, then Council Officers have the right to call for open quotations as required, even if the required goods or services are currently under a preferred supplier arrangement such as a tender agreement.

Preferred Supplier Performance

All preferred suppliers to Council will be subject to constant performance evaluation. Council will develop Service Level Agreements (SLA's) with suppliers on an ongoing basis. Performance evaluation will form a part of all tenders and contracts.

Payment Procedures

Currently payments take place on Thursdays, either by EFT or cheque. The closing time for each week's payment cycle is 2:00pm on the preceding Wednesday. Therefore all paperwork is required to be signed, authorised and completed and in the accounts payable department by this time to ensure that it can be processed the following day. It is the responsibility of the person requesting payment that all paperwork be completed as required and authorised by the appropriate member of staff. If payment cannot be made on the Thursday as requested, it will be made on Thursday of the following week.

If payment is being made to a new supplier, then it is the responsibility of the initiating officer to provide all the relevant details required for accounts payable to create a new supplier record in the system. These details include, supplier name; supplier address; contact name & details; and most importantly their ABN. In all circumstances Council officers must endeavor to use suppliers who have an Australian Business Number (ABN). If no ABN can be supplied, then the supplier will be required to complete a "Statement by a Supplier" declaration from the tax office. If a supplier does not have an ABN and refuses to sign the declaration, then Council is required by law to withhold 48.5% tax from the supplier.

General

1. All official purchase orders generated by Port Macquarie-Hastings Council must include an accurate or as near too accurate as possible purchase price (excluding GST) for every individual item. This is standard purchasing procedure and it eliminates any issue of suppliers charging incorrect prices for goods and services.
2. No orders are to be placed with suppliers without an official purchase order being supplied by Council first. All suppliers are instructed not to supply goods unless they make reference to an official Port Macquarie-Hastings Council purchase order number. If a supplier supplies goods without a purchase order number, and produces an invoice to Council without reference to an official purchase order number, then Council reserves the right to refuse payment for those goods or services.
3. Under no circumstances are requisition numbers to be substituted or used as official purchase orders.

Mobile Phones

Regardless of an individual Council officers delegated authority level, all requests for mobile phones and approval of all mobile phone bills and statements are to be made by that Council officers direct manager or supervisor.

Conflict of Interest

Where a Council officer is involved in procurement activity, whether it be on a daily basis, or as part of tender Evaluation Committee, or as the person actually responsible for inviting tenders, he/she are obliged to declare any interest or bias he/she may have in regard to a particular supplier.

This conflict of interest could range from a pecuniary interest, to a personal interest such as a family member being involved in that business. The individual is obliged to declare this interest at the outset of the process to avoid any supplier being treated in any way other than fairly and without bias.

It is of paramount importance to Port Macquarie-Hastings Council that all suppliers be treated in an equitable manner and that all dealings are transparent and can withhold public scrutiny.

Risk Management

All suppliers, where applicable, must comply with current Environmental, Occupational Health & Safety & Workers' Compensation legislative requirements and regulations and shall effect & maintain appropriate insurance policies. For further information relating to Risk Management issues, please refer to Council's policies & procedures as listed:

- Hired Plant & Equipment Risk Assessment Policy
- Safe Use & Operation of Plant Policy
- Managing Contractor OHS Risks Procedure

- Pre Purchases Assessment Procedure

Sustainable Choice & Environmental Goals & Objectives

Goals

Wherever possible, Council employees and contractors will pursue the following goals and adhere to the specified objectives when purchasing products and services (noting that these impacts should be considered during the entire life cycle of the product, i.e. the production, distribution, usage and end of life stages):

Minimise Unnecessary Purchasing - only purchase when a product or service is necessary.

Minimise Waste - purchase in accordance with avoid, reduce, reuse and recycle strategies.

Save Water and Energy - purchase products that save energy and/or water.

Minimise Pollution - avoid purchasing products that pollute soils, air or waterways.

Non-Toxic - avoid purchasing hazardous chemicals that may be harmful to human health or ecosystems.

Greenhouse Benefits - purchase products that reduce greenhouse gas emissions.

Biodiversity & Habitat Protection - purchase in accordance with biodiversity and conservation objectives.

Value for Money - purchase for best value for money in the long term.

Objectives

Council's objectives through sustainable purchasing are to:

Eliminate unnecessary inefficiency, waste and expenditure.

Contribute to the combined purchasing power of local government to further stimulate demand for sustainable products, including materials collected through council's kerbside collection.

Advance sustainability by participating in "closing the life-cycle loop".

Increase awareness about the range and quality of products available.

Deliver council's commitments in relation to ecologically sustainable development (ESD) and other environmental and social objectives.

Play a leadership role in advancing long-term social and environmental sustainability.

Emergency Requests

Circumstances may arise whereby goods or services are required immediately, either in response to some emergency, or simply to fulfill an urgent request that requires fast tracking.

The same practices and procedures are to be followed as in ordinary cases, especially in regard to ensuring that the person requesting the "emergency" goods or services has the delegated authority to do so, as follows:

- If a requisition is found to be higher in value than the employees delegated authority level, the order will immediately be referred back to the employee for further approval by their appropriate manager and no further action will be taken with this requisition until such approval is granted.

The imposition of these standard procedures for urgent requests is not in place to impede the urgent nature of the request, but simply to uphold the transparency that Council requires in all procurement transactions. The Purchasing Officer / Stores will do everything in his/her power to expedite the urgent nature of the request once correct authorisation is given.

Ethical Standards

Port Macquarie-Hastings Council expects that all relationships with suppliers will be based on ethical standards that are above reproach and most importantly are capable of sustaining all forms

of scrutiny. This is to be achieved for the mutual benefit of the supplier, Port Macquarie-Hastings Council and the community in which we serve.

If there are ever any circumstances whereby there is evidence that ethical standards have been compromised, then Port Macquarie-Hastings Council reserves the right to cease all existing arrangements immediately with the supplier and take all necessary actions to recover its position.

In the execution of all the aforementioned practices and procedures, it is expected that all procurement personnel will display and be seen to display a high standard of ethics. All procurement personnel shall act in such a way as to be beyond reproach and always have their own integrity and the integrity of the Council in mind at all times.

Under no circumstances is a supplier to approach a member of Council's staff or a Councillor, during a period where a product submission or tender has been submitted for evaluation, for the purpose of seeking more information, favourable treatment or for the purpose of offering certain inducements and gifts that may influence the evaluation of the products and / or tender. If there is any evidence of corrupt behaviour from a supplier, Council staff member or Councillor, then all parties involved will be reported to the appropriate authorities.

Item: 09

Subject: PORT MACQUARIE CBD LANDSCAPING REVIEW

Presented by: Infrastructure Services, Jeffery Sharp

RECOMMENDATION

That the information contained in the Port Macquarie CBD Landscaping Review report be noted.

Discussion

Consensus: That the landscaping review of the CBD be removed from Business Arising and made a standalone agenda item for the next TCMP meeting.

From Business arising (4/4/12):

That a working party consisting of Liam Bulley, Rob Turner, Anthony Wilson and Tony Thorne develop costings and timeline for landscaping refurbishments in the Port Macquarie CBD.

Palm frond removal programmed for coming weeks with a focus on Horton Street North, Clarence/Short Street intersection and Horton/Clarence Street intersection. Trees have been removed in Clarence Street also programmed for coming weeks. Trees have been removed, root mass will be removed and those beds will be landscaped. Mulch replenishment was undertaken prior to Tastings on Hastings.

Current status:

Jeffery Sharp advised that Recreation & Buildings staff will be in the CBD doing substantial work, irrigation on the Town Green is being tested, tree light fittings have been ordered.

The following is provided as information relating to the previously tabled Landscaping review: Port Macquarie CBD and includes updates on completed and programmed works.

Brushbox Plantings

The next three slides show Brushbox trees installed in Short St. Despite having been installed for several years the plants are in poor health.



It is recommended that the poor performing Brushbox trees in Short Street should be removed and replaced with appropriately grown trees of the same species.

Completed works: No works undertaken to date.

Programmed works: Deadwooding of trees and some whole tree removal scheduled for June 2013.

Flindersia Plantings

The photograph included below shows an example of *Flindersia schottiana* in poor health. Many of these trees installed in Clarence Street are in poor health or have poor growth habit due to lack of post installation after care.



Completed works: A number of poor performing Flindersia have been removed from garden beds in Clarence Street between Hay & Short Streets.

Programmed works: Deadwooding of trees throughout the CBD scheduled for June 2013.

Blueberry Ash Plantings

This photograph shows Blueberry Ash (*Eleocarpus reticulatus*) with poor growth habit. This species has been used throughout the CBD with little success. Many trees have already been removed and not replaced.

Completed works: A number of poor performing Blueberry Ash have been removed.

Programmed works: None

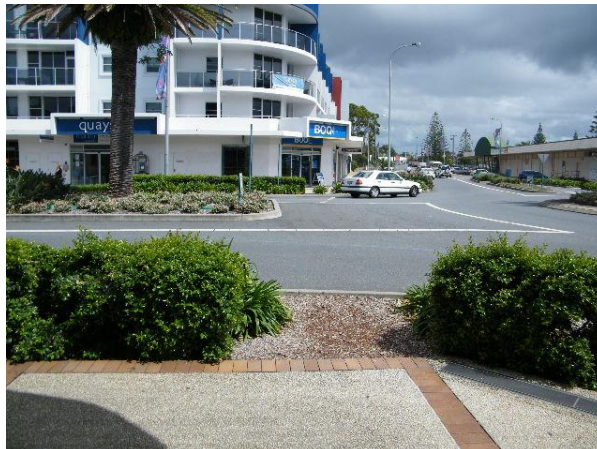
Pedestrian Impacts

Photo: pedestrian paths formed within garden at corner William and Short Streets

These photographs show pedestrian desire lines within garden beds at corner Short and William Streets. This may be managed by installation of bollards at this location. Alternatively advanced plant stock could be installed at these locations and this is the preferred option for Parks staff.

Completed works: No works undertaken to date.

Programmed works: Advanced plantings to be undertaken in May 2013



Photo: pedestrian impacts on garden at front Bourne House, Short Street

This photograph shows a denuded section of garden bed adjacent to pedestrian crossing at Bourne House, Short Street. The aesthetics of this area could be improved with installation of paving blocks as per Hay/Clarence Street pedestrian crossing.

Completed works: Staff replanted this area in December 2012 which has been successful to date. Ongoing monitoring required. Paver installation will be undertaken if these plantings fail.

Programmed works: None

Street Lighting Conflict

The following slide shows how some of the trees in the CBD have been pruned (under direction from Essential Energy) to address this conflict. The end result is a tree with poor habit and aesthetics and removal should be considered. It is highly unlikely that more sensitive pruning techniques will be able to address this conflict.



Photo: Tuckeroo planting post Essential Energy pruning

Completed works: No works undertaken to date.

Programmed works: Further consultation with Essential Energy required.

Hayward & Horton Street Roundabout



Photo: Roundabout at corner Horton & Hayward Streets.

There is an opportunity to improve the aesthetics of this CBD gateway intersection by installing a feature planting in the centre of the structure.

Completed works: No works undertaken to date.

Programmed works: Feature tree planting scheduled for June 2013.

Cabbage Tree Palm Beds



Photo: Cabbage Tree Palm plantings Clarence Street

These palm beds do not retain mulch, are compacted and it is not possible to establish understorey plantings due to pedestrian movement.

The installation of wet pour rubber or similar gravel/binder installation at these locations would improve aesthetics of these spaces while still allowing for water penetration, nutrient movement and gaseous exchange. This treatment should also be implemented in Hay Street (southern end) around the Cabbage Tree Palm plantings at this location.

Presence of dead fronds on palm trees (Cabbage Tree and Canary Island Date) throughout the CBD also impacts on the visual aesthetics of the CBD. It is recommended that the frequency of frond removal within the CBD be increased to twice per year.

Completed works: Palm frond removal undertaken in CBD December 2012.

Programmed works: Further palm frond removal scheduled for June 2013.

Porous gravel installation to palm surrounds scheduled for 8 May 2013.

Water Scouring

Areas within the CBD where overland stormwater flows have eroded garden beds resulting in significant trip hazards and sedimentation of stormwater pits. This has occurred at the corner of William and Hay Streets and corner William and Short Streets.

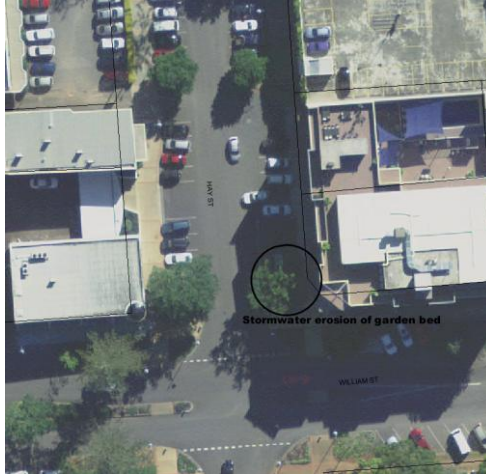


Photo: site of water scouring at corner William and Hay Streets

Completed works: No works undertaken to date.

Programmed works: Mass planting of plant species with root binding capacity scheduled for May/June 2013.

Tree Root Mass

These two slides show the difficulty in growing understorey plants in beds with significant root mass. Note the roots next to kerb and paver edge. Parks staff have tried without success to install additional plantings around the base of these trees.



Photo: Tuckeroo planting Horton Street



Photo: Canary Island Date Palm planting Horton Street.

There is no solution to this issue. The frequent topping up of mulch in these areas can improve the aesthetics where little or no understorey plantings are present.

Completed works: Mulch application to CBD gardens undertaken December 2012.

Programmed works: Next mulch application scheduled for June 2013.

Understorey Species Selection

Bird of Paradise has been planted throughout the CBD and is a feature due to their impressive flowers and leaf contrast. However due to their height create sight line issues for motorists and Council staff are required to cut them back to ground level to address this issue and these garden spaces can look denuded and unattractive for a period.



Photo: Corner Clarence and Short Streets

Completed works: Pruning works are undertaken on a needs basis to address sight line requirements.

Programmed works: Removal of the Bird of Paradise from centre island at corner Clarence and Short Streets only scheduled for June 2013. Replacement with a lower growing species from the CBD plant palette to be undertaken as part of these works.

Improved Sight Lines to the Hastings River

Photo: Northern end Horton Street/Town Green

Minor crown lifting of this Tuckeroo combined with the removal of Bird of Paradise understorey plantings will significantly improve views of the Hastings River from Horton Street.

Completed works: Works undertaken by Parks staff July 2012.

Programmed works: No further works required at this point in time.

Other issues

The performance of gardens and trees in more recent plantings has not been great and significant garden slumping has resulted. The likely cause of this is use of soils with high organic matter content which typically breaks down over a 6 - 12 month period.

Good examples are the Canary Island Date Palm and garden plantings at the corner of William & Short Streets and more recently gardens in Hayward Street.

To address this matter the following works will be undertaken:

Programmed works: Soil testing undertaken in April 2013.
Soil improvement programme developed in May 2013.
Soil improvement programme implemented from June 2013.
Additional soil installed to palm surrounds (1 of 3 undertaken previously), root barrier and replanting to be undertaken June 2013.

There are unplanted spaces within gardens throughout the CBD. Infill plantings to occur. Please note that this does not include areas where root mass does not allow for this to occur, as outlined on pages 6 & 7 of this report.

Completed works: Some infill plantings undertaken by staff prior to April 2013.

Programmed works: Further infill plantings, particularly in Clarence Street, to be undertaken in May 2013 (post Ironman event).

Attachments

Nil

Item: 10

Subject: TOWN CENTRE MASTER PLAN - DESIGN PROGRESS

Presented by: Infrastructure Services, Jeffery Sharp

RECOMMENDATION

The report be received and noted.

Discussion

Progress of detailed engineering designs for the Master Plan proposed works is reported as follows;

Kooloonbung Creek – Pedestrian BridgeContractor: Fleetwood Urban Designer: Opus International

The Tender of Fleetwood Urban Pty Ltd was accepted by Council at its meeting 20th March 2013 on the basis of a recommendation from the tender panel. An inception meeting with Fleetwood and Opus International (now sub contractor for Fleetwood through a novated contract) was held 11th April 2013 to discuss contract and design related matters.

The design will be developed from the 30% design included in the Tender to a 60% and 90% design for Council approval. Design concepts were discussed at the inception meeting and it was agreed Fleetwood would provide a sketch for further comment from Council and the Committee design working party representatives.

On completion of the designs the Contractor's lump sum price for construction will be reviewed and approved by Council prior to construction commencement. Key milestones for delivery of the project were originally scheduled as follows:

| | | |
|------------------------------|-------------------------------|---------------|
| 5 th March 2013 | Tender closed | Complete |
| 20 th March 2013 | Evaluate Tenders | Complete |
| 22 st March 2013 | Award Tender | Complete |
| 1 st April 2013 | Statutory Approvals (REF) | In Progress |
| 27 th May 2013 | Finalise designs | In progress |
| 12 th June 2013 | Site establishment | Not commenced |
| 30 th August 2013 | Construction Completion | Not commenced |
| 16 th September | Into defects liability period | Not Commenced |

Fleetwood Urban indicated at the project inception meeting a completion date by mid November 2013 is more likely, however, acknowledged there are opportunities to gain time through the design phase and possibly fabrication of components subject to final materials chosen. Any materials available "off the shelf" will save time. Timelines will be reviewed and updated on an ongoing basis as the project progresses. Council

have corresponded with the Federal Government in terms of the implications for grant agreement should the works not be completed by end of August 2013.

Council have agreed to deal with the 11kv overhead over head power relocations separate to the Contract. Coffs Coast Under boring have confirmed a possible alignment for relocating the 11kv lines via a sub marine conduit. Quotations for the under boring have been requested. Arrangements to engage an accredited electricity designer/supplier to work with the under bore contractor is in progress.

Environmental assessments, including agency approvals, are currently in progress by Opus. All statutory approvals must be in place before construction commences.

Kooloonbung Creek Foreshore Upgrades – Gordon to William Streets

Concept designs completed under the overseeing of the Committee Working Party. Detailed designs, REF and construction cost estimates complete. Construction has been deferred to ensure the design aligns with Kooloonbung Creek pedestrian bridge footpath connections , especially the proposed refuge crossing of William Street. The Committee have agreed via the revised Financial Model/Works Program to recommend to Council construction of this project during 2013/14.

William Street Upgrades – Short to Kooloonbung Creek

Designer: King and Campbell Pty Ltd

Concept designs completed under the overseeing of the Committee Working Party. Detailed designs 95% complete. Designers King & Campbell are on notice to ensure pedestrian linkages proposed in this design interface with Kooloonbung Creek pedestrian bridge design. The designs may also require final amendments subject to the redevelopment approvals for the former Food for Less site.

William Street Upgrades – Hay to Murray Streets

Designer: King and Campbell Pty Ltd

Concept designs completed endorsed by Committee design working party and presented to previous meeting of the Committee. The detailed design are 80% complete, currently reviewing pavement designs and road crossfalls.

Murray Street Upgrades – Clarence to William Streets

Designer: King and Campbell Pty Ltd

Concept designs completed endorsed by Committee design working party and presented to previous meeting of the Committee. Detailed designs 80% complete, currently reviewing pavement designs and road crossfalls. Also undertaking root mapping for Norfolk Island Pine trees adjacent the Clarence Street intersection to assist a decision about the retention or removal of those trees.

Town Green

Designer: King and Campbell Pty Ltd

A design scope completed and endorsed by Committee design working party. A preferred concept design and staging details has also been developed , details have been considered by the Committee design working party.

The Mayor has requested a briefing of Councillors on this project prior to any decision being made on the master planning and community consultation aspects of the project. The design consultants and the Committee will be further briefed following the briefing with Councillors.

Buller & Hollingworth Streets – Intersection Upgrade

Designer: Council Design Office

A concept design has been prepared and previously submitted to the Committee. Investigations into the traffic signal component design have commenced including the necessary consultations with RMS, the approval authority for traffic signals. RMS have by letter dated 17th April 2013 approved in principle the installation of traffic signals at the intersection subject to the outcomes of the necessary detailed intersection analysis to verify traffic volumes and turning movements, as well as pedestrian volumes and movements. This approval now permits Council to proceed with the detailed investigations and design.

Gordon Street - Gateway

A design for this project is carried over from the 2011/12 works program. A detailed scope of works is to be prepared for Committee comment. This initiative was identified in the original Master Plan and envisaged an urban design over the existing section of Gordon Street, Kooloonbung Creek to Horton Street, including some special features ie public art, streetscape works, in addition to the banners. It is likely this project will carry over to 2013/14.

Hay St – Glasshouse Forecourt Review Designs

Not commenced. It is proposed design scope be developed as an outcome of the Forecourt Working Party initial meetings and confirmation of activities planned for the area. It is likely this project will carry over to 2013/14.

Entertainment Precinct Investigations and Plans

Not commenced. A clear brief for this project is to be developed through the Committee and other stakeholders. It is likely this project will carry over to 2013/14.

Pedestrian Access West of Horton Street, Clarence to William Streets

Not commenced. A clear brief for this project is to be developed through the Committee and other stakeholders. It is likely this project will carry over to 2013/14.

Copies of all design work completed to date will be available at this meeting.

Attachments

Nil