



# Town Centre Master Plan Sub-Committee

## Business Paper

**date of meeting:** Wednesday 25 March 2015

**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

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#### 1. ROLE

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

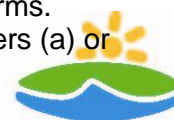
#### 2. DELEGATED AUTHORITIES

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

#### 3. SUB-COMMITTEE MEMBERSHIP

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

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



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

#### **4. MEETINGS**

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

#### **5 QUORUM**

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

#### **6 VOTING**

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

#### **7 COMMUNICATION**

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

#### **8 PARENT COMMITTEE**

- 8.1 Ordinary Council Meeting.

#### **9 CODE OF CONDUCT**

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



## Town Centre Master Plan Sub-Committee

### ATTENDANCE REGISTER

Member	26/02/14	26/03/14	23/04/14	28/05/14	25/06/14	23/07/14
Councillor G Hawkins	✓	✓	A	✓	✓	✓
Councillor M Cusato (alternate)	X	A	A	✓	A	A
Councillor R Turner			✓			
Jeffery Sharp	✓	✓	✓	A	✓	✓
Gary Randall	✓	✓	✓	✓	✓	✓
Brian Buckett	✓	✓	✓	✓	✓	✓
Brian Tierney	✓	✓	✓	✓	✓	✓
Jeff Gillespie	✓	✓	✓	✓	✓	✓
Michael Mowle	✓	✓	✓	✓	A	✓
Michelle Love	✓	✓	✓	✓	✓	✓
Stephen Byers	✓	✓	✓	✓	✓	✓
Tony Thorne	✓	A	A	✓	✓	✓
Michaela Sisk (non-voting)			✓	✓	✓	✓

Member	27/08/14	24/09/14	22/10/14	26/11/14	24/02/15	
Councillor G Hawkins	A	A	✓	✓	✓	
Councillor M Cusato (alternate)	✓	✓	✓	A	✓	
Councillor R Turner		✓				
Jeffery Sharp	A	✓	✓	✓	A	
Gary Randall	✓	✓	✓	✓	✓	
Brian Buckett	✓	✓	✓	✓	✓	
Brian Tierney	✓	A	✓	✓	✓	
Jeff Gillespie	✓	✓	✓	✓	✓	
Michael Mowle	✓	A	✓	✓	✓	
Michelle Love	✓	✓	A	✓	✓	
Stephen Byers	A	A	✓	X	resigned	
Tony Thorne	A	✓	✓	✓	✓	
Michaela Sisk (non-voting)	✓	✓	A	✓	✓	

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



**PORT MACQUARIE  
HASTINGS**

# Town Centre Master Plan Sub-Committee Meeting

Wednesday 25 March 2015

## Items of Business

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**PORT MACQUARIE  
HASTINGS**

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

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

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

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Town Centre Master Plan Sub-Committee Meeting held on 24 February 2015 be confirmed.

**PRESENT**

**Members:**

Councillor Geoffrey Hawkins  
Councillor Michael Cusato (alternate)  
Gary Randall  
Brian Buckett  
Brian Tierney  
Jeff Gillespie  
Michael Mowle  
Michelle Love  
Tony Thorne  
Michaela Sisk (non-voting)

**Other Attendees:**

Rebecca Doblo - Landscape Architect, regarding Town Square  
David Tooby - King and Campbell on behalf of Makimoto Outdoor Dining Application

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The meeting opened at 8.04am.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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The Acknowledgement of Country was delivered.

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**02 APOLOGIES**

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**CONSENSUS:**

That the TCMP Sub-Committee:

1. Accept the apology from Jeffery Sharp.
2. Accept the resignation of Stephen Byers.
3. Request the Director Infrastructure & Asset Management write to Stephen Byers to thank him for all his efforts on the Committee and wish him well in the future.



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**03 CONFIRMATION OF MINUTES**

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**CONSENSUS:**

That the Minutes of the Town Centre Master Plan Sub-Committee Meeting held on 26 November 2014 be confirmed with the following amendments:

1. Add May 2014 to the attendance register.
  2. Correct spelling of 'Trial' in Item 06 - Special Projects 2013/14 Furniture Replacement
  3. Add Consensus to Item 10 - General Business 10.01- "That the TCMP Sub-Committee support these applications."
  4. Add location details to Item 10 - General Business 10.02 - "Starberry - Clarence Street and Makimoto - Horton Street."
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**04 DISCLOSURES OF INTEREST**

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Tony Thorne submitted a disclosure of interest regarding the presentation of the amended outdoor dining application for Makimoto.

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**05 BUSINESS ARISING FROM PREVIOUS MINUTES**

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Nil.

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**06 WORKING PARTY UPDATES**

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**Major Projects**

All the TCMP Major Projects were reviewed, status confirmed and feedback given.

***Town Square:***

In particular, Council's Landscape Architect, Rebecca Doblo, presented a detailed update on the Town Square Project, answered questions from members and took on board comments to explore various options, ranging from "overhead sails" and landscaping options to pavement treatments, drainage, spacing, outdoor dining and potential issues relating to the cenotaph relocation.

***Town Green:***

Discussion took place in regard to the condition of the turf on the Town Green, particularly but not restricted to the 'turfed' section immediately to the North of the CWA.

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### **Special Projects**

Staff answered questions on various individual projects, clarifying and/or elaborating as requested.

#### CONSENSUS:

That the TCMP Sub-Committee:

1. Express to Council its ongoing frustration and disappointment at the overall poor condition of the turf on the Town Green, particularly but not restricted to the 'turfed' section immediately to the North of the CWA.
  2. Recommend to Council that Council consider the allocation of funding for returfing of the Town Green in the upcoming 2015 - 2016 Operational Plan.
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### **07 CLARIFICATION OF TCMP BOUNDARY**

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#### CONSENSUS:

1. That the information provided in this report be noted.
  2. That the TCMP Sub-Committee request the Director Infrastructure & Asset Management clarifies which Lots are covered in the Port Pacific in Northpoint buildings, with a correct description of each lot, including DP's to be provided.
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### **08 GENERAL BUSINESS**

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8.01 Amended Outdoor Dining and Section 138 application by Makimoto:

#### CONSENSUS:

That the Town Centre Master Plan Sub-Committee supports the applications in principle, subject to:

1. The applicant fully satisfying Council requirements and adhering to the adopted principles and objectives of the TCMP
2. The applicant fully funding the cost of the works
3. Both the landlord and tenant entering into satisfactory arrangements for maintenance, cleaning and waste
4. The landlord entering into satisfactory make good and reinstatement arrangements with Council
5. Detailed designs being presented back to the TCMP Sub-Committee for endorsement prior to final approval.

8.02 Leave of Absence - Michael Mowle:

Michael Mowle sought leave of absence from 3 April to 8 July 2015.

#### CONSENSUS:

That the Town Centre Master Plan Sub-Committee accept and approve Michael Mowle's leave of absence.

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The meeting closed at 10.34am.

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Item: 04  
Subject: DISCLOSURES OF INTEREST

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**RECOMMENDATION**

**That Disclosures of Interest be presented**

**DISCLOSURE OF INTEREST DECLARATION**

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

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

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

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

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

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

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

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



**Further Explanation**

(Local Government Act and Code of Conduct)

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

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

**Pecuniary Interest**

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

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

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

**Non-Pecuniary**

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

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

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

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

*Non Pecuniary – Significant Interest*

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

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

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

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

*Non Pecuniary – Less than Significant Interest*

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



**SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION**

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

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



### Important Information

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

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

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

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**Item: 05**

**Subject: BUSINESS ARISING FROM PREVIOUS MINUTES**

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Nil.





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**Item: 06**

**Subject: WORKING PARTY UPDATES**

**Presented by: Infrastructure & Asset Management, Jeffery Sharp**

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**RECOMMENDATION**

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

**Discussion**

Major Projects Working Party Updates

Special Projects and Preconstruction Working Party Updates

**Attachments**

Nil



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Item: 07

Subject: CLARIFICATION OF TCMP BOUNDARY

Presented by: Infrastructure & Asset Management, Jeffery Sharp

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## RECOMMENDATION

**That the information provided in this report be noted.**

### Discussion

At the 26 November 2014 TCMP Sub-Committee meeting it was resolved:

*That the Director Infrastructure and Asset Management confirm when Port Pacific and North Point started contributing to the TCMP Reserve and report back to the next TCMP meeting.*

The following information has been confirmed:

Port Pacific - Lots 1 to 6 and Lots 9 to 15 - have been paying the TCMP Reserve rate since July 1999, the inception date of the rate.

Northpoint - Lots 1 to 4 and Lot 60 - have been paying the TCMP Reserve rate since March 2001.

At the 24 February 2015 TCMP Sub-Committee meeting it was resolved:

*That the Director Infrastructure and Asset Management clarifies which Lots are covered in the Port Pacific and Northpoint buildings, with a correct description of each lot, including DP's to be provided.*

The following information has been confirmed:

The Port Pacific building is rated as business, the apartments are time share and cannot be "lived in" so therefore, cannot be rated as residential. This entire building pays the additional CBD rate. Lots 1 to 6 and 9 to 15 are covered under SP22978. Lots 7 and 8 in this building are rated under a more recent subdivision, SP45527 and are now classified as Lots 16 to 19.

Lots 1 to 4 and Lot 60 in the Northpoint building are classified under SP64585 and are rated as business. These Lots cover all ground floor units and each one pays the additional CBD special rate. Lots 5 to 59 are residential and therefore do not pay the special rate.

All commercial units are paying the CBD special rate in either the Port Pacific or Northpoint buildings. Council do not maintain tenant's names.

**Attachments**

1 [View](#). TCMP Boundary

2 [View](#). Strata Plans

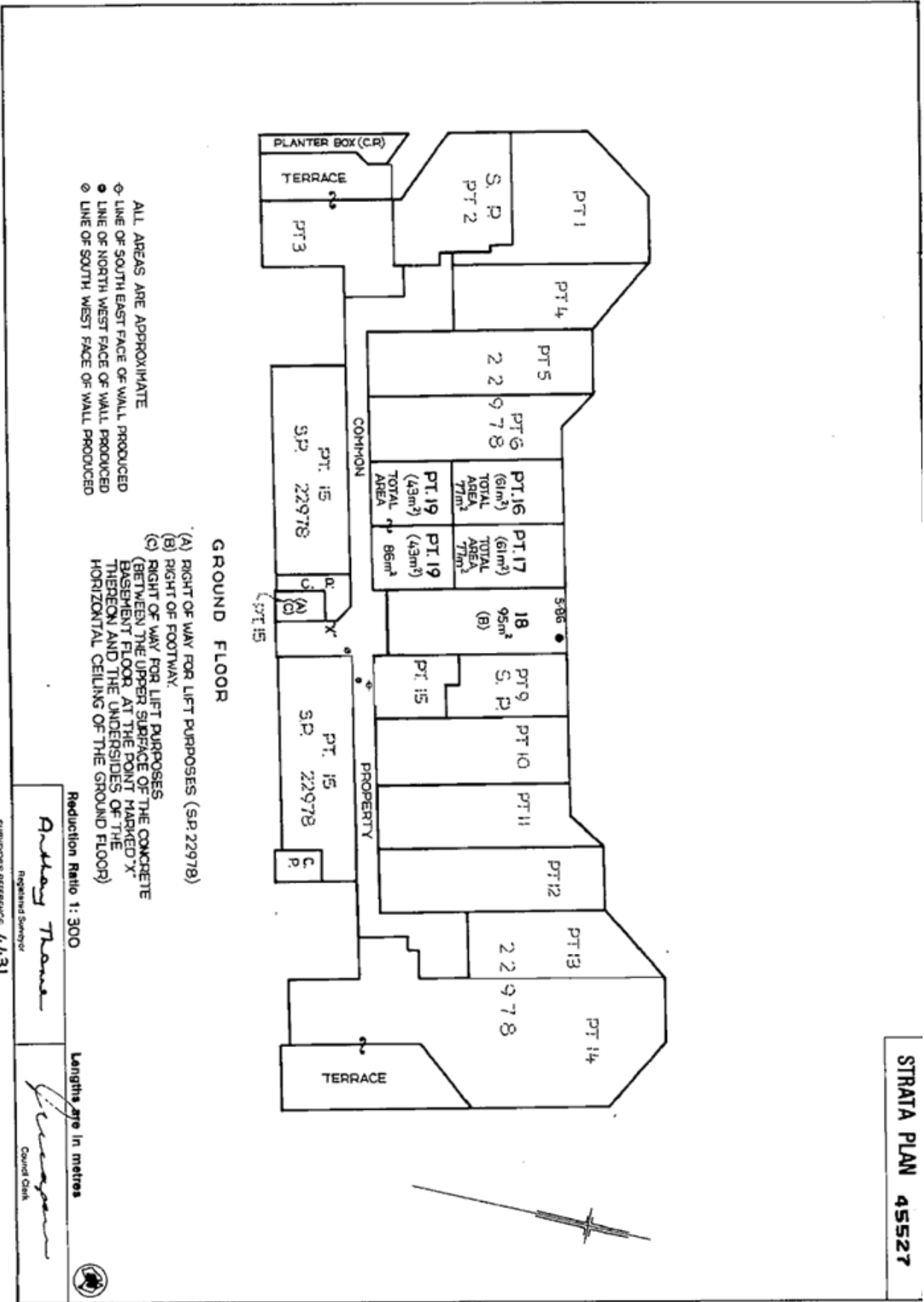


# Port Macquarie Town Centre Masterplan Special Rate Area

Scale 1:2000 @ A1



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PRINTING : Electronic Document Supplied by LPI NSW for Your Internal Use Only

