



Town Centre Master Plan Sub-Committee

Business Paper

date of meeting: Wednesday 27 May 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

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.

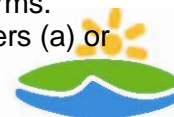
2. DELEGATED AUTHORITIES

- 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	27/08/14	24/09/14	22/10/14	26/11/14	24/02/15	25/03/15
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	✓	✓	✓	A
Michelle Love	✓	✓	A	✓	✓	✓
Stephen Byers	A	A	✓	X	resigned	
Tony Thorne	A	✓	✓	✓	✓	A
Michaela Sisk (non-voting)	✓	✓	A	✓	✓	✓

Member	22/04/15					
Councillor G Hawkins	A					
Councillor M Cusato (alternate)	✓					
Councillor R Turner						
Jeffery Sharp	✓					
Gary Randall	✓					
Brian Buckett	X					
Brian Tierney	✓					
Jeff Gillespie	✓					
Michael Mowle	A					
Michelle Love	✓					
Tony Thorne	✓					
Michaela Sisk (non-voting)	✓					

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



**PORT MACQUARIE
HASTINGS**

Town Centre Master Plan Sub-Committee Meeting

Wednesday 27 May 2015

Items of Business

Item	Subject	Page
01	Acknowledgement of Country	<u>6</u>
02	Apologies.....	<u>6</u>
03	Confirmation of Minutes	<u>6</u>
04	Disclosures of Interest.....	<u>10</u>
05	Business Arising from Previous Minutes.....	<u>14</u>
06	Working Party Updates	<u>15</u>
07	Allocation of TCMP funds to Place Making events	<u>16</u>
08	Clarence Street Project Update	<u>17</u>
09	General Business	



**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 22 April 2015 be confirmed.

PRESENT

Members:

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

Other Attendees:

Tricia Bulic - PMHC Community and Economic Growth
Lucillia Marshall - PMHC Community and Economic Growth
Paul Kosh - PMHC Community and Economic Growth

The meeting opened at 8.05am.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

CONSENSUS:

That apologies received from Councillor Geoff Hawkins and Michael Mowle accepted.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Town Centre Master Plan Sub-Committee Meeting held on 25 March 2015 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 BUSINESS ARISING FROM PREVIOUS MINUTES

Town Green 'turfing' - following on site meeting Group Manager Recreation and Buildings, Liam Bulley is establishing a quote based on the agreed area. The quote will include extension to the irrigation system. The matter will be brought back to the TCMP representatives that were in attendance at this meeting before being reported to the May 2015 Ordinary Council meeting.

Councillor Hawkins, as the Chairman has written to Stephen Byers to thank him for his efforts and involvement with the TCMP Committee.

EOIs for the 2 year Committee memberships will be advertised this calendar year.

06 CLARIFICATION OF TCMP BOUNDARY

CONSENSUS:

That the Director Infrastructure & Asset Management investigate what is involved in modification to the TCMP rate boundary as the CBD expands in footprint and as commercial development occurs within the existing TCMP boundary. This will be reported back to the June TCMP meeting.

07 WORKING PARTY UPDATES

CONSENSUS:

That the TCMP Committee:

1. Request the TCMP Project Manager distribute the Town Square detailed design brief for discussion at the May Working Group meeting.
 2. Request that the TCMP Project Manager present the concept design for the Foreshore to the May Working Group meeting.
 3. Recommend that Council write to the State Member regarding the expected date for the outcome of the Short Street Car Park EOI.
 4. Request the TCMP Project Manager present a refined estimate for the William Street from Bridge to Short Street project to the May TCMP meeting.
-

08 GENERAL BUSINESS

08.01 Clarence Place Event - Presentation on event outcomes by Community and Economic Growth staff:

CONSENSUS:

That the Director Infrastructure & Asset Management provide a report back to the TCMP on the TCMP funds used for the Clarence Place Event and expectations of use of TCMP funds for future placemaking events.

The meeting closed at 10.11pm.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

I, declare the following interest:

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

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

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

For the reason that:
.....

Signed: Date:

(Further explanation is provided on the next page)



Further Explanation

(Local Government Act and Code of Conduct)

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

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

Pecuniary Interest

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

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

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

Non-Pecuniary

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

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

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

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

Non Pecuniary – Significant Interest

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

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

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

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

Non Pecuniary – Less than Significant Interest

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



SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

Councillor's Signature: **Date:**



Important Information

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

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

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

Item: 05

Subject: BUSINESS ARISING FROM PREVIOUS MINUTES

Item:	1	Date:	29/4/2015
Subject:	EOI Short Street Car Park		
Action Required:	Council sent an email to the relevant party 20 April 2015 in respect to the ETA for the outcome of the EOI. Council was informed 24/4/2015 that Crown Lands is progressing the matter as they familiarise the new Minister following the caretaker period resulting from the recent election. Crown Lands are handling the negotiations and sale in-house due to probity reasons.		
Current Status:	The determination remains outstanding and Council will be informed in due course.		

Item:	2	Date:	29/4/2015
Subject:	William Street from Bridge to Short Street project		
Action Required:	Resolution of the 22 April 2015 TCMP meeting: Request the TCMP Project Manager present a refined estimate for the William Street from Bridge to Short Street project to the May TCMP meeting.		
Current Status:	To be discussed at the May meeting.		

Item: 06

Subject: WORKING PARTY UPDATES

Presented by: Infrastructure & Asset Management, Jeffery Sharp

RECOMMENDATION

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

Discussion

Major Projects Working Party Updates

Special Projects and Preconstruction Working Party Updates

Attachments

Nil



Item: 07

Subject: ALLOCATION OF TCMP FUNDS TO PLACE MAKING EVENTS

Presented by: Infrastructure & Asset Management, Jeffery Sharp

RECOMMENDATION

That the Sub-Committee note the information provided in this report.

Discussion

At the 22 April 2015 TCMP Sub-Committee meeting it was resolved:

That the Director Infrastructure & Asset Management provide a report back to the TCMP Sub-Committee on the TCMP funds used for the Clarence Place Event and expectations of use of TCMP funds for future place making events.

It has been confirmed that the TCMP contributed a total of \$11,960 to the Clarence Place Event held in March 2015. The funding was drawn from the Place Making Activation allocation. This contribution was used to fund advertising, licensing and applications and electrical works including staff wages. This event was funded by a combination of TCMP and Community and Economic Growth Place Making funds to a total cost in the order of \$25,000.

The use of seed funding in this instance is considered to be prudent in terms of gaining significant and meritorious engagement and feedback from the community within the Clarence Street space. The information gathered will be used to guide future designs and opportunities within Clarence Street and potentially other areas within the CBD.

It is not anticipated that funding for future events will require additional support from the TCMP reserves, (Place Making events will be funded by grants, Community and Economic Growth budgets and community funding) however, if there is merit in TCMP consideration of funding, future reports will be presented for consideration.

Attachments

Nil

Item: 08

Subject: CLARENCE STREET PROJECT UPDATE

Presented by: Infrastructure & Asset Management, Jeffery Sharp

RECOMMENDATION

That the TCMP Sub-Committee:

1. Note the information provided in this report
2. Note the expected total cost of the Clarence/Murray Street intersection upgrade project
3. Recommend to Council an increase in the budget for the Clarence Street works in the 2015/16 Operational Plan to \$2M.

Discussion

A report was composed to be presented to PMHC Ordinary Council on this matter however has been presented to the TCMP Sub Committee for its initial consideration.

This report provides a project update on the proposed reconstruction of the Clarence and Murray Street intersection in the Port Macquarie CBD. This project is part of the 2014/15 One Year Operational Plan works program.

The detailed design and preconstruction approvals for this project have been recently completed and an estimated total construction cost developed. The report proposes an increase in the construction budget allocation to reflect the estimated total construction costs of \$2.4M from TCMP reserves.

The proposed streetscape improvement works seek to convert the existing nose in angled parking to centre parking in a manner consistent with that part of the CBD which has already undergone TCMP style upgrade works. The improvement works will also contribute to slowing traffic speed down on its entry to the town centre whilst improving footpath grades and pedestrian accessibility.

A major feature will be the "closing down" of the Clarence / Murray Street intersection with corner blisters and pedestrian refuge facilities on each leg, similar in appearance to the Short / Clarence Street intersection, to create a gateway to the CBD and a slow point to reduce traffic speeds.

To ensure minimal impact on identified and potential archaeological items, the design of the improvement works adopted minimises the works below the road pavement level.

The improvement works will include utility upgrades including the stormwater and water and sewer main upgrades, as well as electrical reticulation works and telecommunications.

Where existing overhead power and street lighting facilities require upgrading, the design specifies that in-ground power conduits are to be laid at shallow depths directly below new concrete footpaths where possible, again to avoid deep excavation into undisturbed ground.

The location and extent of works is shown below.



A detailed construction program sees work commence in late May 2015 and continue through to Dec 2015. The proposed staging of works includes the full closure to intersection to all traffic for approx 10 weeks commencing in August 2015. This approach expedites the delivery of the works significantly (in the order of 2 months) and also facilitates a more efficient delivery resulting in significant costs savings also. Specific community, business and other stakeholder engagement has been planned around this proposed closure to traffic, with the Community Engagement Plan currently being finalised to include extensive media and engagement actions in the lead up to and during the closure. Importantly, pedestrian access around the works will be maintained throughout the project including during the road closure.

NOTE: The delivery of the project in line with the estimated program and total cost is subject to several inherent risks. These risks include extended periods of wet weather exceeding the 3 week allowance in current estimates and the risk of uncovering items of archaeological significance during the works (mitigated significantly by the design philosophy of overlaying the existing pavement rather than excavating and replacing).

A resource estimate of total expected project costs has been developed by the Infrastructure Delivery Section for this project. A Project Financial Summary is attached and identifies the total expected cost of approx \$2.4M including a contingency.

The 2014/15 One year Operational Plan included an allocation of \$1.0M for this project based on the preconstruction/preliminary estimates agreed by the TCMP in early 2014. During the design development the scope of the project was significantly increased to include the section of Clarence street east to Munster Street, this extension together with the significant heritage and utility design constraints have contributed to the current construction estimate exceeding the original budget of \$1.0M by approx \$1.4M.

During March 2015 the 2014/15 One Year Operational Plan capital works program was adjusted significantly with several major project budgets being deferred by Council in part into the 2015/16 Financial Year. \$600K of the \$1.0M budget allocation for this project was carried forward to the 2015/16 Financial year as part of these adjustments, the resultant 2014/15 budget being \$400K. It is therefore recommended that the 2015/16 FY budget for this project be increased (utilising TCMP reserve funds) from \$600K to \$2M to match the estimated project construction costs.

The impact of this financial allocation on the TCMP reserve has been considered and reviewed by the Manager of Financial Services. The capacity of the TCMP to fund other major projects in the 2015/16 FY will be limited by this proposed allocation. The under budget overall position of the TCMP reserve at the end of 2014/15FY will also contribute positively to the reserves capacity to fund this additional allocation. A detailed financial analysis will be tabled at the meeting for consideration.

Some Water and Sewer utility upgrades will also occur in conjunction with this project. These works will be funded from Water and Sewer Renewals budgets and are not included as such in the attached Project Financial Summary. This item is classified CONFIDENTIAL under Section 10A(2)(dii) of the Local Government Act 1993, which permits the Meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Attachments

Nil

