



# Town Centre Master Plan Sub-Committee

## Business Paper

**date of meeting:** Wednesday 24 June 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.

## **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.

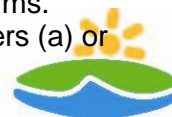
#### **2. DELEGATED AUTHORITIES**

- 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)
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  - 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



**PORT MACQUARIE  
HASTINGS**

- 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



**PORT MACQUARIE  
HASTINGS**

## 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	27/05/15				
Councillor G Hawkins	A	A				
Councillor M Cusato (alternate)	✓	✓				
Councillor R Turner						
Jeffery Sharp	✓	✓				
Gary Randall	✓	✓				
Brian Buckett	X	✓				
Brian Tierney	✓	A				
Jeff Gillespie	✓	✓				
Michael Mowle	A	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 24 June 2015

## Items of Business

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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>
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10	General Business	



**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 27 May 2015 be confirmed.

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**PRESENT**

**Members:**

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

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The meeting opened at 8.05am.

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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 apologies from Brian Tierney, Michael Mowle and Councillor Geoff Hawkins be accepted.

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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 22 April 2015 be confirmed.

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**04 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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## **05 BUSINESS ARISING FROM PREVIOUS MINUTES**

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EOI Advertisement for new 2 year Committee memberships anticipated to be advertised 19 June 2015.

EOI for Short Street car park. 21 interested parties applied to Crown Lands. Minister is working through the applications. Council is following this up through the Mayor.

### **CONSENSUS:**

That the TCMP Sub-Committee recommend to Council that Council defer the William Street project until financial year 2016/17 given the uncertainty on the site.

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## **06 WORKING PARTY UPDATES**

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### **CONSENSUS:**

That the TCMP Sub-Committee:

1. Receive and note the updates provided by the TCMP Major Projects and Special Projects and Preconstruction Working Parties.
  2. That the TCMP Project Manager arrange a walk around of the CBD area with Sub-Committee representatives to review the location and need for banner poles.
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## **07 ALLOCATION OF TCMP FUNDS TO PLACE MAKING EVENTS**

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### **CONSENSUS:**

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

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## **08 CLARENCE STREET PROJECT UPDATE**

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Increase over budget amount is \$1.4M from TCMP funds.

Detour signage needs to be clear.

### **CONSENSUS:**

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 .
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3. Recommend to Council that Council:
- Increase in the budget for the Clarence Street works in the 2015/16 Operational Plan to \$2M from TCMP Reserves.
  - Note the increase in budget is required to address the project expansion now covering a more significant section of Clarence Street than was first proposed.
  - Note the construction methodology including the full closure of the Clarence Murray intersection for an estimated period of 10 weeks to vehicular traffic is proposed to expedite works and minimise costs. Full pedestrian access will be maintained through this intersection.
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## **09 GENERAL BUSINESS**

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09.01 Financial Standing of TCMP Reserve:

**CONSENSUS:**

That the Director Infrastructure & Asset Management bring a report to the June TCMP Sub-Committee meeting regarding current finances, understanding the intent of the Sub-Committee to fund some future works in 2016/17 using borrowings.

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The meeting closed at 10.12am.

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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 <b>identified land</b></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.
<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 <b>subject land</b></i> ) <sup>iii</sup> [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.

- 
- 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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<b>Item:</b>	1	<b>Date:</b>	29/4/2015
<b>Subject:</b>	EOI Short Street Car Park		
<b>Action Required:</b>	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.		
<b>Current Status:</b>	The determination remains outstanding and Council will be informed in due course.		

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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 report be received and noted.**

## Discussion

The 22 April 2015 TCMP Sub-Committee meeting resolved:

*“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.”*

The TCMP Boundary was originally set when the special rate was introduced in 1994. At the 20 January 2003 Ordinary Council meeting a recommendation to extend the boundary along Clarence Street to Grant Street was overturned as there were a very limited number of commercial properties in this location.

The Division of Local Government advises that it is permissible for Council to extend the area of the CBD Business Rate.

The TCMP Sub-Committee would need to resolve to recommend specific changes to Council for endorsement before the TCMP Boundary could be modified.

Properties within the current TCMP Boundary paid a considerably higher water and sewer rate charge prior to the introduction of the TCMP Business Rate as the water and sewer rate was based on land value. This may need to be considered in any future modifications to the TCMP Boundary.

Council's Rates Section reviews all property changes from residential to commercial use. An inspection is undertaken and where it is confirmed that the properties dominant use is for commercial purposes, the rates will be changed accordingly. There have not been any properties within the TCMP Boundary that have changed to commercial use over the past five years.

## Attachments

Nil

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**Item: 08**

**Subject: TERMS OF REFERENCE**

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

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## **RECOMMENDATION**

**That the Sub-Committee:**

- 1. Endorse changes to the Terms of Reference as included in this report.**
- 2. Recommend the endorsed changes to Council for approval.**

## **Discussion**

Expressions of Interest for the following TCMP Sub-Committee memberships are being advertised from 19 June 2015:

- 1 CBD Landowner
- 1 Port Macquarie Chamber of Commerce representative
- 1 CBD Trader
- 1 Port Macquarie-Hastings Access Sub-Committee representative

In preparing this advertisement Council staff undertook a review of the TCMP Terms of Reference, which were last updated 30 September 2013.

The following changes to the Terms of Reference are recommended:

- Change from review to monitor financial expenditure in Section 1.6
- Remove membership of Council Group Manager Transport & Stormwater Network
- Change 3 year membership term to 2 years. The three year term was originally introduced to establish a staggered membership to ensure that the Committee was never at risk of a completely new panel of members who did not have background knowledge of current projects.

The current and proposed Terms of Reference are attached.

## **Attachments**

1 [View](#). Current Terms of Reference

2 [View](#). Proposed Terms of Reference

# Town Centre Master Plan Sub-Committee

## Terms of Reference 30 September 2013

### **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.
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*Proposed June 2015*

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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 employees.

#### **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.

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**Item: 09**

**Subject: 15/16 FINANCIAL PLAN**

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

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### **RECOMMENDATION**

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

### **Discussion**

A review of the forward 2015/16 Financial Plan will be undertaken via an interactive electronic model to be projected during this meeting.

Copies of the final agreed plan will be made available after the meeting.

### **Attachments**

Nil