



Town Centre Master Plan Sub-Committee

Business Paper

date of meeting: Thursday 26 August 2021

location: Via MS Teams

time: 8:00am

Town Centre Master Plan Sub-Committee

CHARTER

1.0 OBJECTIVES

- To advise Council on projects and issues which support and affect the continued development of the Port Macquarie Town Centre using funding from the Town Centre Master Plan Reserve.

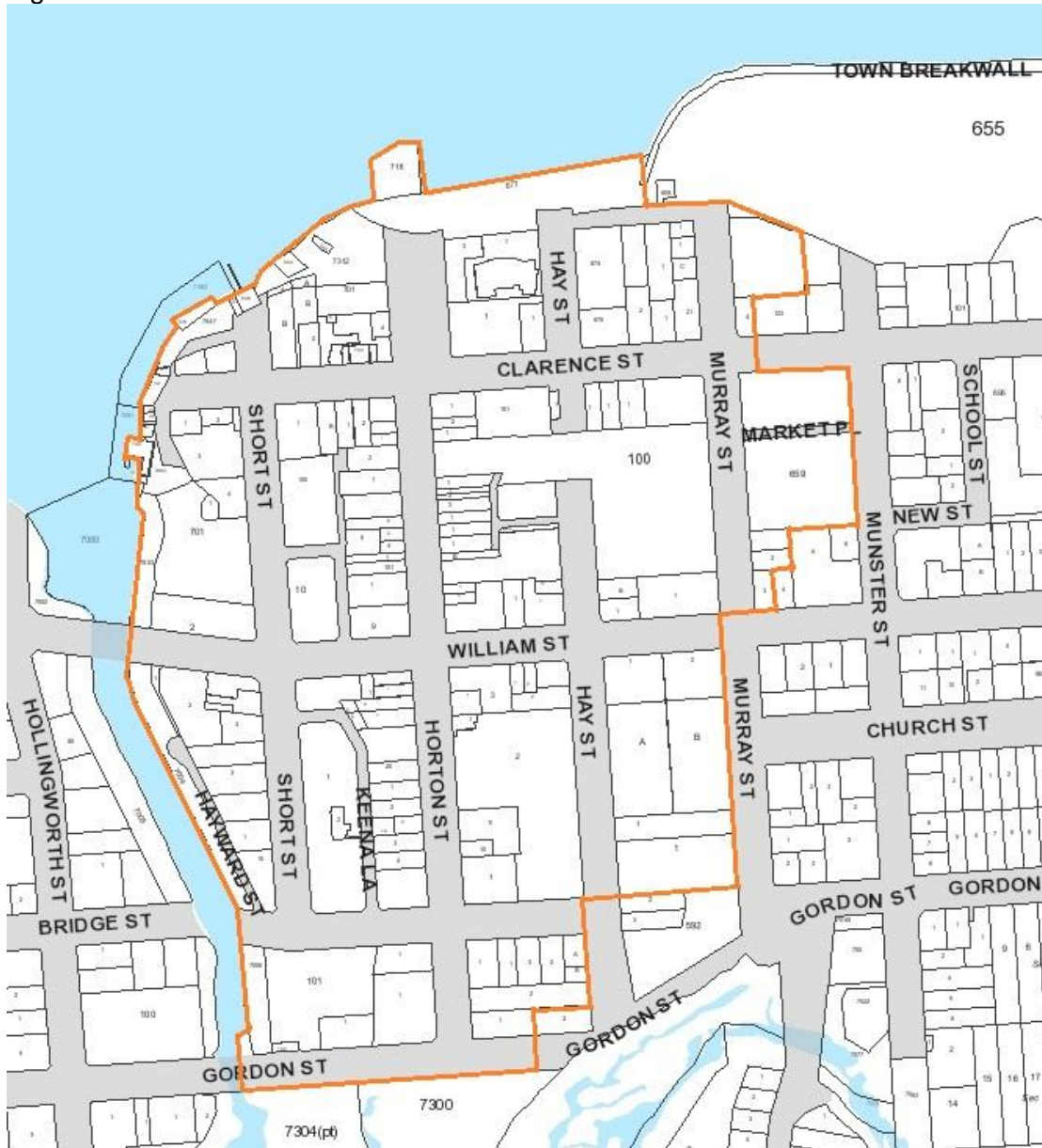
2.0 KEY FUNCTIONS

The key functions of the Sub-Committee are to:

- Make recommendations to Council regarding the development, review and amendment as required of the Town Centre Master Plan
- Make recommendations to Council on works priorities - Capital and maintenance - for the implementation of the outstanding projects and upgrades identified in the Town Centre Master Plan Review adopted in 2014.
- Act as a communication conduit between Council and the CBD stakeholders in respect to the Town Centre Master Plan
- Present to Council an annual Works Program and Budget in December, to be considered by Council as part of the annual Operational Plan
- Maintain an awareness of the capital expenditure of Town Centre Master Plan Reserves and make recommendations to Council regarding such expenditure.
- Raise funds other than rates and loans to fund the objectives of the Sub-Committee through partnerships with other stakeholders
- Make recommendations to the relevant Director in relation to purchasing, manufacturing, obtaining and supplying material for the promotion of the CBD from any external funds raised by the Sub-Committee
- Advocate for the Town Centre Master Plan and promote the advantages of the CBD to the wider community

Generally, the Sub-Committee will work within the adopted TCMP boundary highlighted in Figure 1, however there will be projects which will extend beyond these boundaries from time to time, in meeting the implementation of the adopted Town Centre Master Plan.

Figure 1



3.0 MEMBERSHIP

3.1 Voting Members

- Councillor & Alternate (resolved by Council)
- Director Strategy & Growth (Alternate Director Development & Environment)
- Senior Landscape Architect- Council
- 2 CBD Commercial Property Owners
- 2 CBD Traders
- 1 Greater Port Macquarie Tourism representative
- 1 Port Macquarie Chamber of Commerce representative
- 3 Community members

3.2 Non-Voting Members

- There may be occasions where other attendees are required at Sub-Committee meetings, such as funding partners, independent people, other levels of government, client side project managers (if applicable), stakeholder engagement specialists and other Council staff. Such people will be invited to Sub-Committee meetings on an as needs basis.

3.3 Obligations of Members

- As per Section 226 (c) of the NSW Local Government Act 1993, the Mayor is the principal spokesperson for the governing body and Councillors that are members of a Sub-Committee are to obtain the Mayor's agreement to make media and other statements. Further, only the Mayor, or a Councillor with the Mayor's agreement and otherwise in accordance with Council policies and procedures, may release Council information through media statements or otherwise, and the release of such information must be lawful under the Council adopted Code of Conduct. Council Officers that are members of Sub-committees are bound by the existing operational delegations in relation to speaking to the media.
- All Sub-Committee members are not permitted to speak to the media as representatives of the Sub-Committee unless approved by the Chairperson (prior to this from the Mayor as above)
 - Where approval has been granted by the Chairperson, the views and opinions expressed are those of the Town Centre Master Plan Sub-Committee and not of Port Macquarie-Hastings Council
- A Councillor or a non-Council member as a member of a Sub-Committee or the Sub-Committee itself has no delegation or authority to make decisions on behalf of Council, nor to direct the business of Council. The only decision making power open to Councillors is through formal resolutions of Council.
- A Councillor or a non-Council member as a member of a Sub-Committee or the Sub-committee itself cannot direct staff and must abide by the decisions of Council and the policies of Council.
- All Sub-Committee members must comply with Council's Code of Conduct and relevant Council policies and procedures with particular reference to Council's Work Health and Safety Policy.

3.4 Member Tenure

- Non Council members will be appointed for a two-year term.

3.5 Appointment of Members

- Council, by resolution duly passed, will appoint members to the Sub-Committee following an advertised expression of interest.

4.0 TIMETABLE OF MEETINGS

- Meetings of the Sub-Committee shall be held monthly at a date convenient to Sub-Committee members. During election caretaker mode, the Sub-Committee may be suspended until after the election, once Councillor representation is resolved by Council.

5.0 MEETING PRACTICES

5.1 Decision Making

- Recommendations of the Sub-Committee shall be made by consensus. If consensus is not reached, the item may be reported to Council for determination or deferred pending further information and debate.
- The Chairperson shall not have a casting vote.
- Recommendations to Council are to be made through the relevant Director, who will determine under delegation, the process for implementation.

5.2 Quorum

- A quorum must include a minimum of one (1) Councillor or one (1) Council Executive staff member being present. The quorum for the Steering Group will be met if half of the members plus one are present.

5.3 Chairperson and Deputy Chairperson

- The Chairperson shall be the Councillor, duly appointed by Council resolution.
- At all meetings of the Sub-Committee, the Chairperson shall occupy the Chair and preside. In the absence of the Chairperson, the alternate Councillor will preside at the Meeting.
- In the absence of the Chairperson and alternate Councillor, as the Sub-Committee's first item of business, the Sub-Committee shall elect one of its members to preside at the Meeting (elected chair must be a Council representative)

5.4 Secretariat

- The incumbent Council Director is responsible for ensuring the Sub-Committee has adequate secretariat support. The secretariat will ensure that business papers and supporting papers are circulated at least three (3) days prior to each meeting. Minutes shall be circulated to members within seven (7) days of the meeting having taken place.
- The incumbent Council Director will coordinate a review of the Charter within 12 months of a new Council term and present to Council for adoption.

5.5 Recording of decisions and explicit discussions on risks

- Minutes of Sub-Committee meetings shall include the decisions made, relevant details of discussions and the nature of any dissenting views expressed by members.

6.0 CONVENING OF "OUTCOME SPECIFIC" WORKING GROUPS

- The Sub-Committee can at times request a working group to be convened, for a limited period of time, for specific actions. These specifics will be minuted clearly. The working group will report back to the Sub-Committee with outcomes.

7.0 CONFIDENTIALITY AND CONFLICT OF INTEREST

- Councillors, Council staff and members of this Sub-Committee must comply with the applicable provisions of Council's Code of Conduct in carrying out their functions as Council Officials. It is the personal responsibility of Council Officials to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind.
- Sub-Committee members must declare any conflict of interests at the start of each meeting or before discussion of a relevant item or topic. Details of any conflicts of interest should be appropriately minuted.
- Where members or invitees at Sub-Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Sub-Committee deliberations on the issue where the conflict of interest may exist.
- Any independent members of the Sub-Committee will be required to complete a confidentiality agreement that will cover the period of their membership of the Sub-Committee.

Town Centre Master Plan Sub-Committee

ATTENDANCE REGISTER

Member	22/04/21	29/04/21	27/05/21	24/06/21	29/07/21
Councillor G Hawkins (Chair)	✓	✓	✓	A	✓
vacant (Deputy Chair)	-	-	-	-	-
Director Strategy & Growth (Jeffery Sharp)	A	A		A	
Alternate - Director Development & Environment (Melissa Watkins)	✓	✓	✓	✓	✓
Senior Landscape Architect (Craig Luff)	✓	✓	✓	✓	✓
CBD Commercial Property Owner (Jeff Gillespie)	✓	✓	✓	✓	✓
CBD Commercial Property Owner (Adam Spencer)	✓	✓	✓	✓	✓
CBD Trader (Simon Thresher)	A	A	✓	X	✓
CBD Trader (Kieran Dell)	✓	✓	✓	✓	A
Chamber of Commerce Representative (Tony Thorne)	✓	✓	✓	✓	✓
Greater Port Macquarie Tourism Representative (Janette Hyde)	✓	✓	A	A	✓
Community Member (Michelle Love)	✓	✓	✓	A	✓
Community Member (John McGuigan)	✓	✓	✓	✓	✓
Community Member (Tony McNamara)	✓	A	✓	✓	✓

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

Meeting Dates for 2021

28/01/2021	Function Room	8:00am
25/02/2021	Function Room	8:00am
25/03/2021	Function Room	8:00am
29/04/2021	Function Room	8:00am
27/05/2021	Function Room	8:00am
24/06/2021	Function Room	8:00am
29/07/2021	Function Room	8:00am
28/10/2021	Function Room	8:00am
25/11/2021	Function Room	8:00am

Town Centre Master Plan Sub-Committee Meeting

Thursday 26 August 2021

Items of Business

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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 29 July 2021 be confirmed.

PRESENT

Members:

Councillor Geoffrey Hawkins (Chair)
Director Development and Environment (Melissa Watkins)
Senior Landscape Architect (Craig Luff)
Jeffrey Gillespie (CBD Commercial Property Owner)
Adam Spencer (CBD Commercial Property Owner)
Simon Thresher (CBD Trader)
Anthony Thorne (Port Macquarie Chamber of Commerce Representative)
Janette Hyde (Greater Port Macquarie Tourism Representative)
Michelle Love (Community Member)
John McGuigan (Community Member)
Tony McNamara (Community Member)

Other Attendees:

Acting Group Manager Recreation Property and Buildings (Lucilla Marshall)
TCMP Project Manager / Co-ordinator (Michael Nunez)
Group Manager Project Delivery (Gary Randall)

The meeting opened at 8:00am.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

CONSENSUS:

That the apology received from Kieran Dell be accepted.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Town Centre Master Plan Sub-Committee Meeting held on 24 June 2021 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 BUSINESS ARISING FROM PREVIOUS MINUTES

CONSENSUS:

That the Business Arising from Previous Minutes schedule be noted.

06 BICENTENNIAL WALKWAY PROJECTS UPDATE

CONSENSUS:

That the Town Centre Master Plan Sub-Committee note the information contained within the Bicentennial Walkway Update Report and the responses and update provided by the Group Manager Project Delivery at the meeting.

07 FORESHORE PROJECTS UPDATE

CONSENSUS:

That the Town Centre Master Plan Sub-Committee:

1. Note the information contained within the Foreshore Projects Update Report
 2. Endorse the proposed Fishermen's Wharf tie-in works
 3. Note the updated project program provided at the meeting in respect of the Town Green West Playground
 4. Request that a copy of the revised Town Green West Playground design and Engagement Report be provided to the TCMP Sub-Committee as soon as possible.
-

08 GENERAL BUSINESS

08.01 TOWN GREEN PROJECT CLOSE OUT REPORT

John McGuigan requested that a copy of the Town Green West Project Close Out Report/budget be provided to the members of the TCMP Sub-Committee for information.

The meeting closed at 9:11am.

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, the undersigned, hereby declare the following interest:	
<input type="checkbox"/> Pecuniary: Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> Non-Pecuniary – Significant Interest: Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> Non-Pecuniary – Less than Significant Interest: May participate in consideration and voting.	
For the reason that:	
Name: Signed:	Date:
Please submit to the Governance Support Officer at the Council Meeting.	

(Refer to next page and the Code of Conduct)

Pecuniary Interest

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will 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 you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
 - (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
 - (a) Your "relative" is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii)
 - (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c)
 - (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

Non-Pecuniary

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the Chief Executive Officer, such a disclosure is to be made to the staff member's manager. In the case of the Chief Executive Officer, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b) other relationships with persons who are affected by a decision or a matter under consideration 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 the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
 - a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

This form must be completed using block letters or typed.

If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

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 the affected principal place of residence of the councillor or an associated person, company or body <i>(the identified land)</i>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The 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"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
MATTER GIVING RISE TO PECUNIARY INTEREST¹	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the subject land²)</i> <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 or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest]

Councillor's Signature: **Date:**

This form is to be retained by the council's Chief Executive Officer and included in full in the minutes of the meeting

Last Updated: 3 June 2019

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will 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.

"Relative" is defined by clause 4.4 of the Model Code of Conduct 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.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at 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.

¹ Clause 4.1 of the Model Code of Conduct 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 clause 4.6 of the Model Code of Conduct.

² 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 clause 4.3 of the Model Code of Conduct has a proprietary interest

Item: 05

Subject: BUSINESS ARISING FROM PREVIOUS MINUTES

Item:	08		28 May 2020
Subject:	Historical Rating Comparisons and Business Rate Impacts		
Action Required:	1. DDE to investigate possible methods of assisting Port Macquarie CBD property owners to have greater visibility (particularly via the rates notice) on understanding the contribution individual properties make annually to the TCMP levy and report to go to future meeting.		
Current Status:	Ongoing.		

Item:	07		29 July 2021
Subject:	Foreshore Projects Update		
Action Required:	1. A copy of the revised Town Green West Playground design and Engagement Report be provided as soon as possible.		
Current Status:	1. Documents provided to the group prior to the Town Green Playspace Out of Session meeting held on 4 August 2021.		

Item:	08.01		29 July 2021
Subject:	Town Green Project Close Out Report		
Action Required:	1. Staff to provide a copy of the Town Green Project Close Out Report/Budget to the Group.		
Current Status:	1. Emailed to Group on 16 August 2021.		

Reports to Future Meetings		
Report	Due Date	Requested
Update on Accessible Parking Costs in the CBD	TBA	26 July 17
Foreshore Projects Update to be provided by the Project Manager and regular updates thereafter	Ongoing	28 Jan 21
Parklet Trial Process Outcome Progress Report	September 2021	26 May 2021

Item: 06

Subject: TOWN CENTRE MASTER PLAN RATE HISTORY

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

That the Group note the information provided in the report.

Discussion

Director Development and Environment will provide background information on the Town Centre Master Plan Rate History for discussion.

Attachments

1 [!\[\]\(870f5d5e9c0d57485634be3ecf52f3ca_img.jpg\) !\[\]\(66b14d8ba452f6f18b47935355b6120a_img.jpg\)](#) Port News Article - Town Centre Master Plan Rate Petition

CBD property owners are calling on Port Macquarie-Hastings Council to review its Town Centre Master Plan levy as financial strain worsens



Tracey Fairhurst

Featured

A PETITION is circulating with the intent to have the special levy imposed on CBD businesses removed, with some commercial property owners saying the rate is "exorbitant" and imposes further financial stress on retailers already struggling.

The petition has been launched by CBD property owner Robert Sagolj who says the Town Centre Master Plan (TCMP) levy on top of the base rate for CBD businesses means they are paying more than four times more than a non-CBD business.

Town centre businesses are charged under a Port Macquarie CBD business rate with a component of this rate - the TCMP levy - allocated to streetscape, landscaping and beautification works within the Port Macquarie town centre that have been identified and prioritised under the master plan.

The levy was introduced in 1993 with a council sub committee formed to manage the master plan and propose CBD works priorities. The sub-committee acts as a conduit between CBD businesses and council.

Works funded under the TCMP since its establishment, both capital and maintenance, have been in excess of \$23 million, according to council.

Council said the average CBD business pays about \$12,000 annually in rates.

An average non-CBD business pays just \$3,100.

Council currently holds \$1.8 million in TCMP levy funds.

All business properties are charged a base amount and an environmental levy, with individual land values independently provided by the Valuer General, determining the final amount. For CBD businesses, the TCMP levy is also included as a part the CBD business rating.

Mr Sagolj said the levy which was to have a sunset clause should never have been absorbed into the general business rate.

For 2021-2022, the total rates levied in the CBD area were \$3,319,468, with \$1,240,600 or 37.37 per cent, attributable to the TCMP levy.

Mr Sagolj wrote to council in February requesting the rates for his CBD properties be put on hold until a review of the TCMP levy could be conducted. He said the annual rate with the levy included is crippling local business.

Port Macquarie business stalwart Bob Todd is calling for a meeting between CBD business owners, mayor Peta Pinson and council's CEO Dr Clare Allen to address the serious implications the levy could be imposing on the bottom line of CBD business owners.

"I think what (council has) done in town is great, but with the cost of rent and everything else that's going on right now I think (the TCMP levy) should be dropped," Mr Todd said.

"Council receives enough rates just with the value of property in the CBD to not charge an extra levy for beautification. (These works) should be covered under the general rate."

Mr Todd owns several CBD premises and on two occasions has questioned why he was asked to pay for footpaths outside his businesses on top of what he was already being charged in rates and the TCMP levy.

He says he was at the foundation Town Centre Master Plan meetings and at that time, believed the levy would be revoked after 10 years.

"You only have to look around town to see how many empty shops we've got. And it's not just affecting land owners, it's the poor tenants as well," Mr Todd said.

"I'd love to see a meeting with the mayor and general manager - a proper meeting with businesses to discuss this."


Chris Lloyd, former developer of the Mantra on Short Street and owner of Palm Court Motel from 1998-2017, said at the very least a discussion should be had with CBD property owners.

"Over a long period of time, there are many parts of the CBD area that have not received TCMP funded works. For example, the corner of Short and William streets including Palm Court and the Kooloonbung Creek and rear of Short Street retail boundary," Mr Lloyd said.

"I'd would suggest council suspend the TCMP levy immediately while a full review is independently undertaken to gauge its effectiveness."

Read more: [Port Macquarie CBD master plan 20 years in the making](#)



 Works include the installation of shade structures in the Town Square, completion of Kooloonbung Creek foreshore stage one upgrade, pavement cleaning, street sweeping, street furniture conditioning, street banners and landscaping.

The monies levied for the TCMP are held in a specific reserve and have been used to fund a range of CBD works over the years. Since 1994, \$4.1m in CBD maintenance works and \$19.6m in CBD capital works have been funded.

Works include the installation of shade structures in the Town Square, completion of Kooloonbung Creek foreshore stage one upgrade, pavement cleaning, street sweeping, street furniture conditioning, street banners and landscaping.

The latest project, the \$2.4 million Town Green West upgrade, was funded with \$1.5 million provided by the federal government, and an additional \$500,000 from the TCMP fund.

Money has been allocated in council's 2021-2022 operational plan to the Port Macquarie Town Centre Master Plan improvements and Town Green Central and West playground projects.

Mr Sagolj said his petition has received widespread support. It has not yet been lodged with council.

"For a regional town reliant on seasonal tourism, the CBD property owners are paying more than four times the rates compared to properties outside the council nominated CBD zone," Mr Sagolj said.

"CBD property owners are also paying more compared to other major regional towns and cities like Coffs Harbour, Lismore, Forster and Taree, and have been for decades.

"Property owners are struggling to maintain their buildings, and some have no option but to pass this cost on to tenants who in turn, are struggling unless they are fortunate enough to have a national tenant.

"We demand all future rates and levies be fair and transparent across Port Macquarie."

Council will perform more in-depth analysis during 2021-2022 of all rating categories, in conjunction with the Local Government Rating Reform, which will include a review of the TCMP levy. **Nicole Spencer, council's group manager of financial services**

Nicole Spencer, council's group manager of financial services, said the TCMP has undergone regular review, the last being in May 2021 where the council endorsed the priorities of the TCMP sub-committee.

Those priorities include complementary works at the Fishermen's Wharf including seating, connecting paths, rubbish bin enclosures, kerbing and drainage; supporting the Port Macquarie breakwall upgrade; supporting the Town Green West link stage 2; and a pedestrian bridge from Bridge Street.

In June, council also endorsed concept designs by its cultural committee and TCMP sub-committee to preserve the heritage of the current police station site and constables cottages. The project does rely on council acquiring the land from the state government after the police station moves.

Ms Spencer said council will also be conducting an analysis of all rating categories including the TCMP levy.

She said the removal or suspension of the levy would have to be a resolution of council.

"Most councils have a separate rate for the CBD area that is rated accordingly and would usually be higher than other business rates within their area," Ms Spencer said.

"During 2020-2021, preliminary analysis was performed on council's current rating structure, including benchmarking with other councils.

"This preliminary analysis indicated that council's average rates are generally reasonable when compared to other councils.

"New Local Government Rating Reform legislation has recently been released which includes potential changes to rating categories and sub-categories.

"On this basis, council will perform more in-depth analysis during 2021-2022 of all rating categories, in conjunction with the Local Government Rating Reform, which will include a review of the TCMP levy."

Council said it has not been presented with the petition.

Item: 07

Subject: BICENTENNIAL WALKWAY PROJECTS UPDATE

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

That the Town Centre Master Plan Sub-Committee note the information contained within the Bicentennial Walkway Update Report.

Discussion

FORESHORE BICENTENNIAL WALKWAY- Priority Projects Stage 1: (Town Green West Link, Town Wharf, Fisherman's Wharf Parklands, William Street Underpass, Kooloonbung Creek Stage 2; Westport Park Link Path)

Completed since last report:

- Crown licence offer (625807) approved by PMHC CEO on 20 July 2021. Licence Execution by Minister received 28 July 2021.
- Detailed Project Plan - (DPP - Rev 1) Issued to Sponsor for review - 22 July 2021.
- Heritage Excavation Permit Exception Notification - Submitted to Heritage NSW on 26 July 2021. Expected return by Department in August 2021.
- Foreshore Bicentennial Walkway Priority Projects - PCG meeting #001 held 29 July 2021. Ongoing PCG meetings are planned monthly (last Thursday in Month) moving forward.
- Design for Sewer Rising Main (SRM) and Recycled Water Main relocations commenced 13 July 2021 and are ongoing. Design Works are being completed internally using PMHC Project Delivery design and survey resources in consultation with Sewer and Water Planning Team.
- Received MIDO Condition report for Town Wharf on 4 August 2021 with follow up meeting held with TfNSW to discuss required Town Wharf repairs and staging. TfNSW will be fully funding the required repair scope - with this sitting separate to the current grant and TCMP project funding allocations.

Planned work for the coming month:

- Re-issue of Consultant - Final IFC detail drawings issue following PMHC / TCMP review of the proposed stage 1 scope.
- Obtain Heritage Excavation Exemption Approval.
- Complete PMF documentation and planning phase works - including Detailed Project Plan - Rev 2 issue.
- Commence procurement processes for Major Contractor engagement.
- Open Invitations for Tender by early September.

GORDON STREET UNDERPASS

Completed since last report:

- Developed PMF documentation and planning phase works - including Detailed Project Plan. Ongoing in July 2021.
- Payment made for Offset credit obligations (\$11.5k) to Biodiversity Conservation Fund (for minor impact on local species) - completed July 2021.

Planned work for the coming month:

- Complete PMF documentation and planning phase works - including Detailed Project Plan - Revision 2.
- Commence Procurement Process for Major Contractor engagement.

Attachments

Nil

Item: 08

Subject: FORESHORE PROJECTS UPDATE

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

That the Town Centre Master Plan Sub-Committee note the information contained within the Foreshore Projects Update Report.

Discussion

1. TOWN GREEN WEST PLAYGROUND

Completed since last month:

- Concept re-design review
- TCMP meeting to discuss re-design
- Revised concept design with elevations (Attachment 1)

Planned for next month:

- Complete re-design work (early September)
- Issue updated community engagement piece
- Issue works order for construction (early September, target commencement in October)

2. ALL FORESHORE PROJECTS Town Wharf, Fisherman's Wharf Parklands, William Street Underpass, Kooloonbung Creek Stage 2; Westport Park Link Path).

Note: Matters pertaining to the Priority Bicentennial Walkway projects are addressed in a separate report to provide focus on progress of this important priority project.

Completed since last report:

- Crown licence offer (625807) approved by PMHC CEO on 20 July 2021. Licence Execution by Minister received 28/07/21.
- Fishermen's Wharf Parklands interface connecting pavement sections with Town Wharf and William Street Underpass transferred to the Bicentennial Walkway Priority Projects Scope of Works.

3. FISHERMEN'S WHARF - Maritime Infrastructure Delivery Office (MIDO) Project



Completed since last month:

- Entire wharf opened to public in late July.
- Driveway, kerbing, footpath, plant beds and turf installed by Crown Lands.
- Crown Lands have energised lighting to Fishermen's Wharf and is now operational.
- Bollards and sleeves supplied by Council and installed by Crown Lands.
- Incorrect service pit lids replaced by Crown Lands.
- Carpark area re-graded and resurfaced by Council.
- Plants, dual bin enclosure and missing wheel stops installed by Council.
- Council have ordered 8 solid hardwood seats (3 with arm and back rests / 5 without).
- Council have engaged a Contractor engaged for a 3 month establishment period in early July.

Planned for next this and next month:

- Line marking to be completed end August.
- 4 solid hardwood seats to be installed by end August (stock in depot) / 8 solid hardwood seats to be received and installed by end September.

Attachments

1   Town Green Playground Revised Concept Drawings

CONCEPT PLAN

1. Sandstone block wall for retaining and seating- this lifts levels and minimises any excavation
2. Swings - 2 swings and a 'you and me' seat swing
3. Picnic table
4. Main feature play element with slides (small & large)
5. Listening / talking tubes
6. Accessible carousel
7. Springer
8. Rubber softfall (extents to be refined in design development stage)
9. Softfall mulch
10. Mulch area
11. Locally sourced natural timber logs- balance trail and informal seating
12. Stone steppers through garden
13. Decomposed granite
14. New concrete path
15. Existing Fig tree to be retained
16. Existing Palm tree to be retained
17. Planting area
18. Turf area
19. Existing backrest seats to be retained
20. Umbrella or shelter
21. Timber seating deck- reclaimed bridge timbers- providing a connection between play and park
22. Pipe play elements in mulch
23. Concrete strip to base of wall and deck area
24. New backrest seat
25. Timber platform seat
26. Feature timber sculptures (animal theme)
27. Bin location



TOWN GREEN WEST PLAYGROUND- redesign

PLUMMER & SMITH
16.08.21

CONCEPT PLAN

SPATIAL DESIGN

The redesign reduces the overall extent of the play zone and also the scale of the main element. The focus of the playground is the existing Fig and the surrounding public open space. The play experience and space encircles the Fig in part and opens to the Town Green spaces to the north and the east.

PLAY THEME

The underlying, rather than explicit, theme of the play area is 'habitat'. This is largely in response to the existing Fig tree at the centre of the space- a tree of impressive scale that creates a sense of protection and shelter.

A range of animals may find shelter in such a tree- possums, sugar gliders, birds etc...a habitat for wild animals. The animals and the tree trigger the imagination of kids- the '*wild*' users of the space.

Tunnels will provide crawling spaces and moments of enclosure and shelter.

An *elevated pod* will include details reminiscent of nest boxes.

Climbing and balancing will be play activities.

Socialising and activity will foster connection and inclusiveness.



PLUMMER & SMITH
16.08.21

Elevated Pod- Concept Design

THE PLAY EXPERIENCE

The main / feature play structure will include two levels of play.

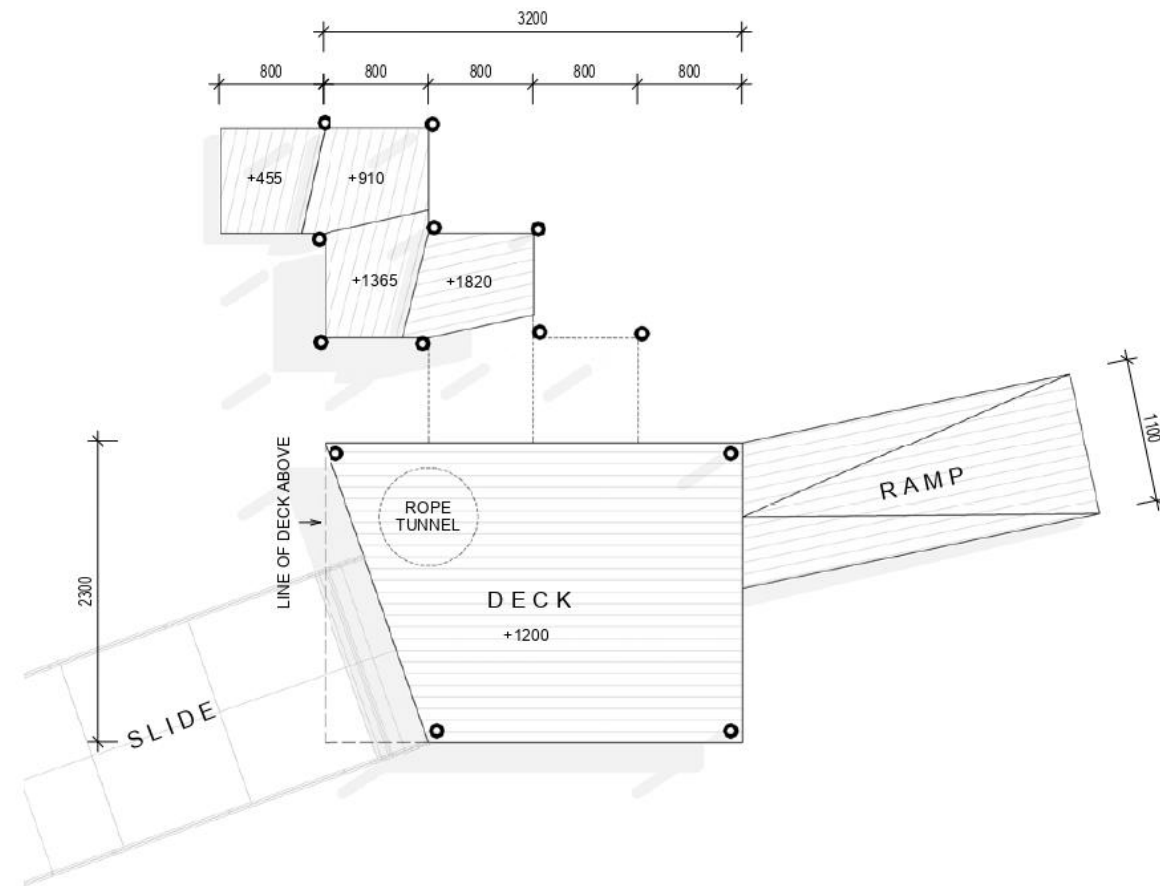
The lower level will be accessible by ramp and will include a small slide (1200H). The lower level also includes a rope tunnel climb that provides access to the upper level.

The upper level is accessed via the rope tunnel climb and/or a series of platform steps on the northern side. The upper level provides expansive views across and along the river foreshore and into the canopy of the existing fig tree- particularly via the 'nest box' window. The upper level also provides access to a large tunnel slide.

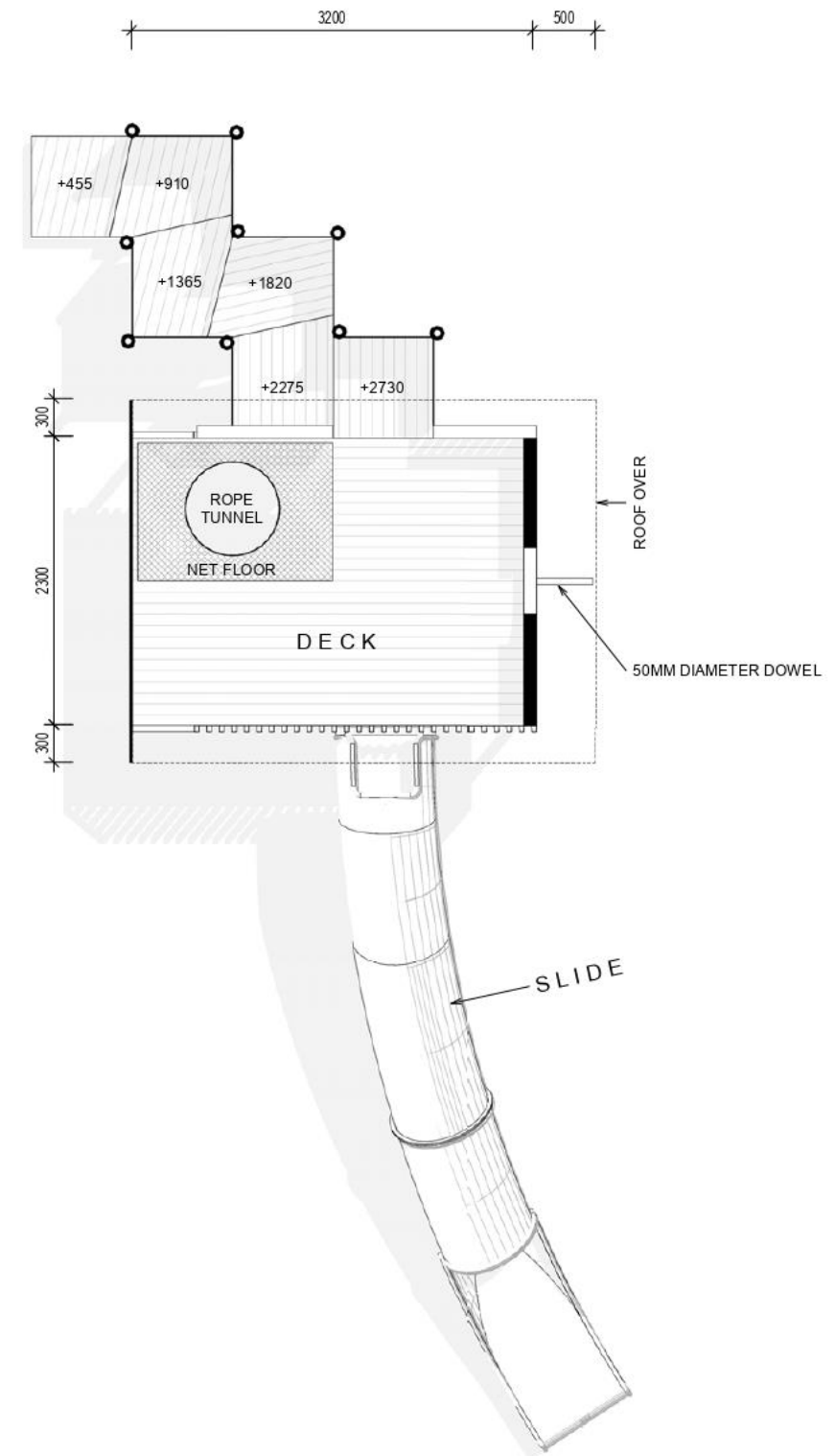
Key considerations within the design is also the provision of shade within the structure itself and maintaining a level of transparency through the structure.



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16.08.21



LOWER LEVEL PLAN



UPPER LEVEL PLAN

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16.08.21



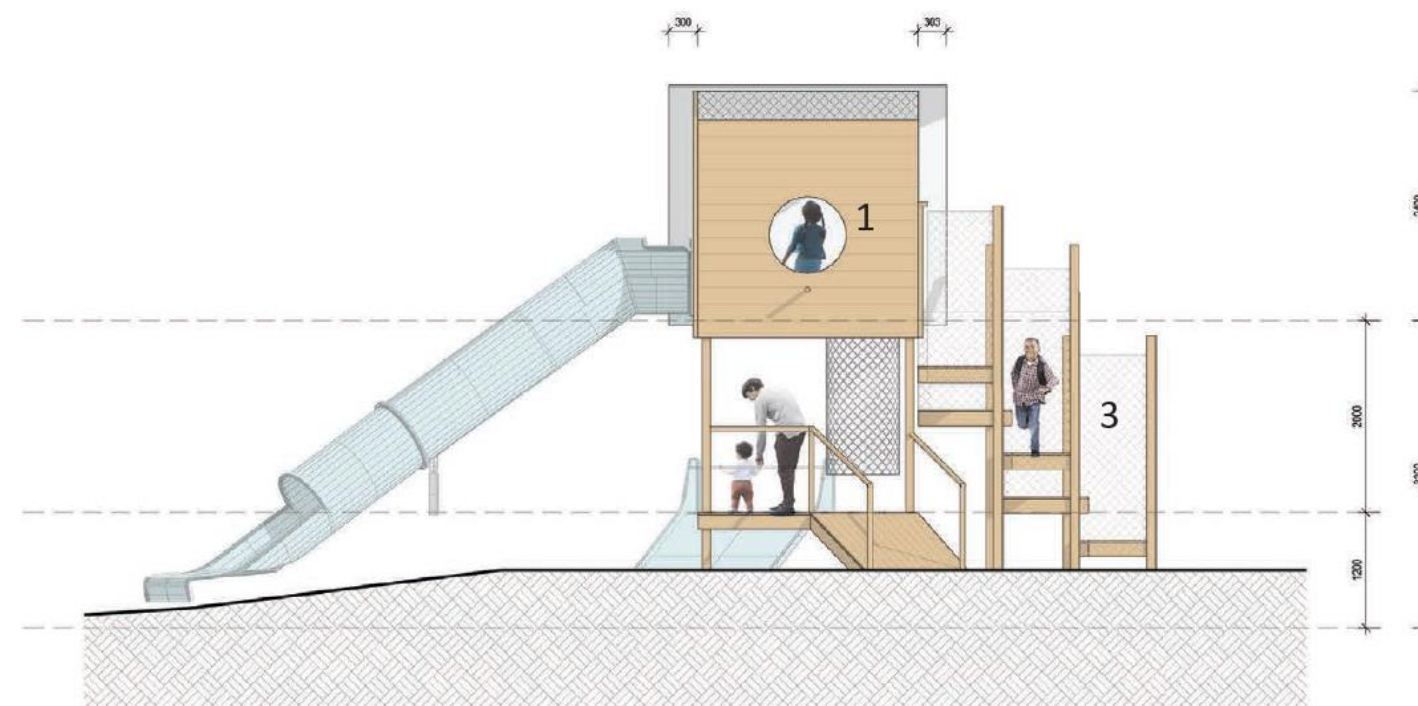
Nest box window with canopy views



Battens provide enclosure for safety and transparency for views- and light and movement play



Webnet barriers for transparency and a sense of adventure



EAST ELEVATION



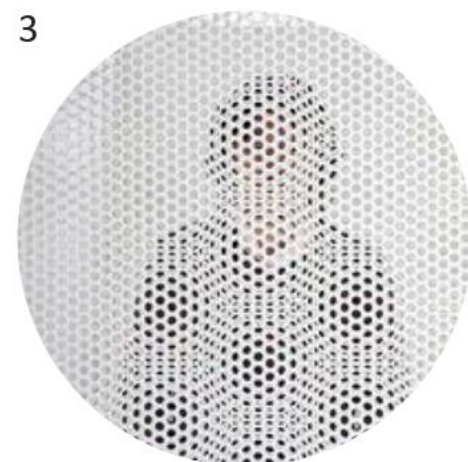
SOUTH ELEVATION



Webnet barriers for transparency and a sense of adventure



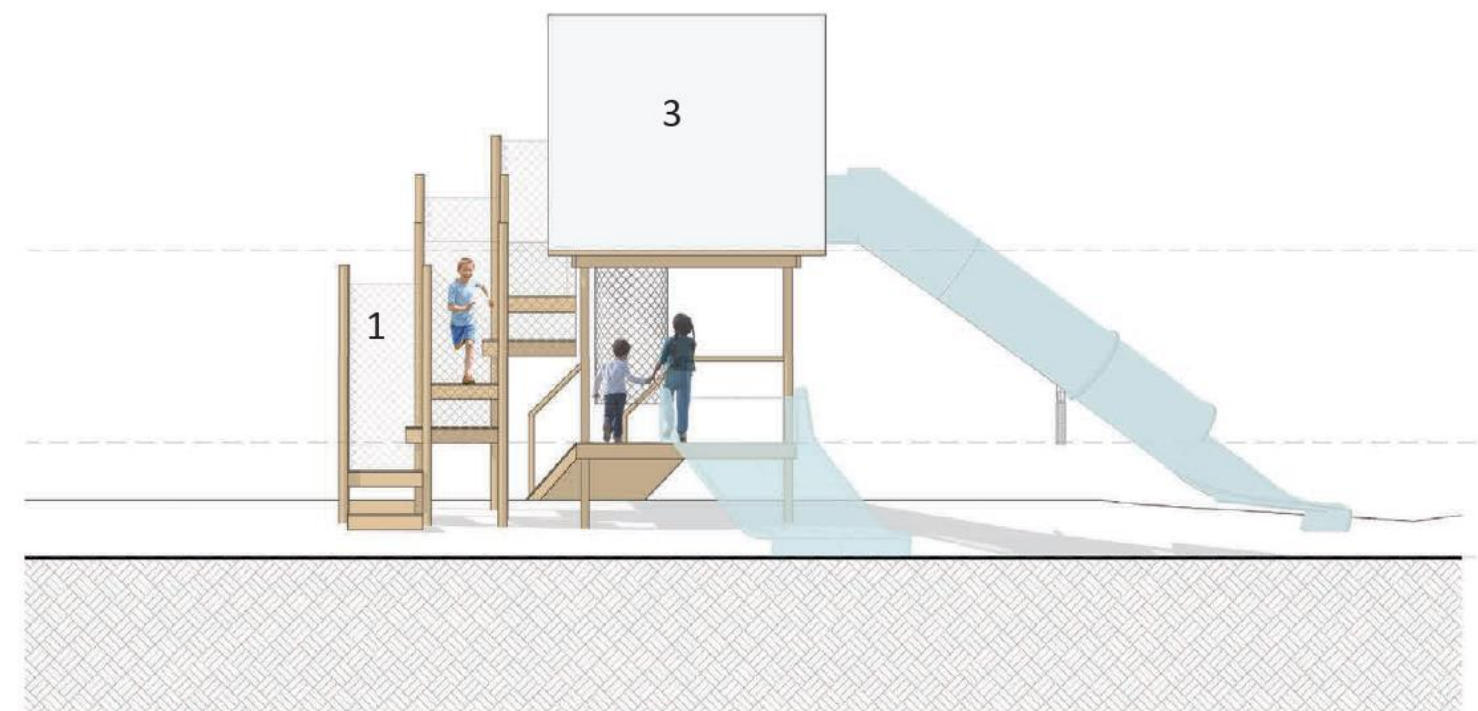
Battens provide enclosure for safety and transparency for views- and light and movement play



Perforated wall (to west) for shade but also transparency and airflow



NORTH ELEVATION



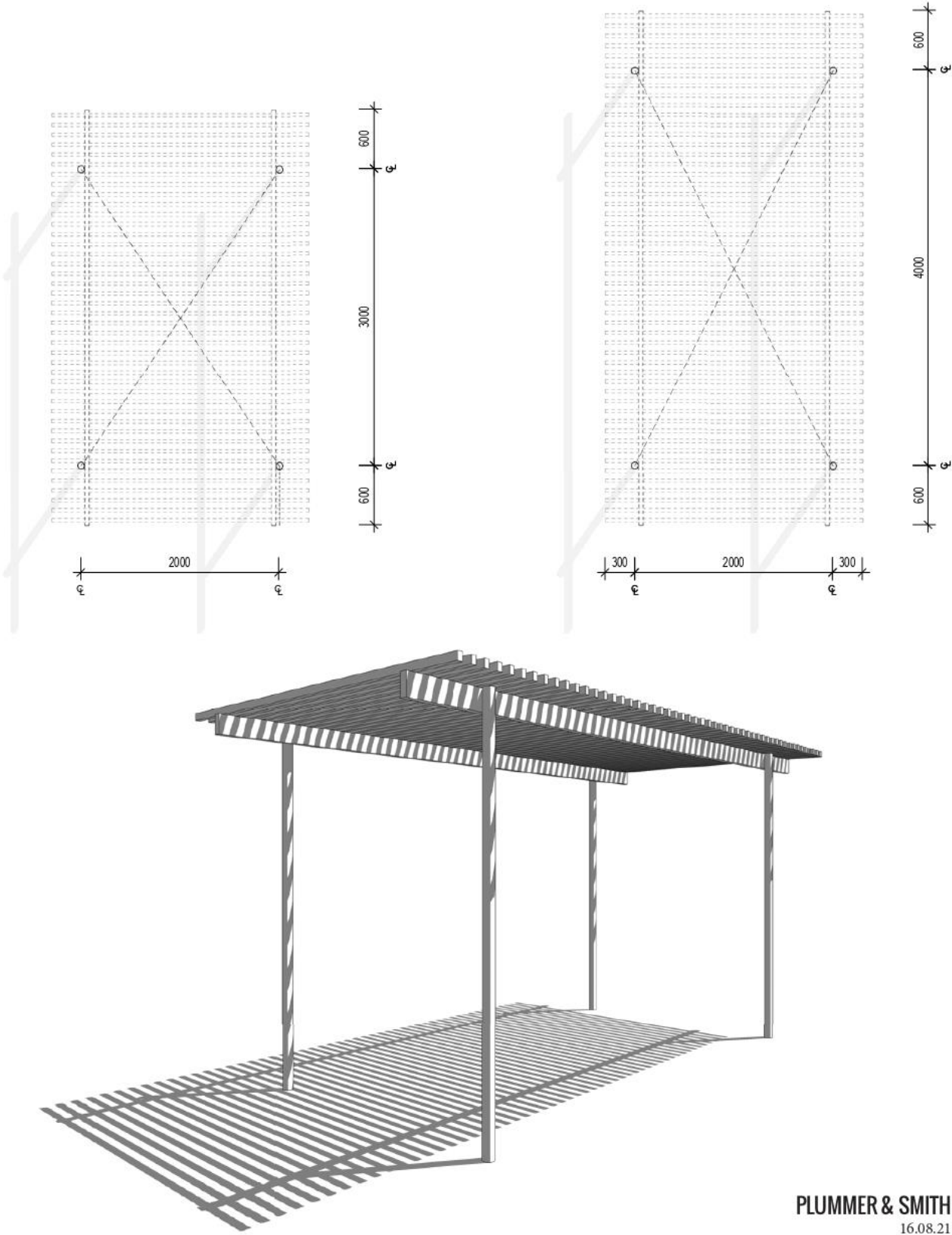
WEST ELEVATION

Shade Options

FIXED UMBRELLAS



SMALL CUSTOM
SHELTER



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