

Town Centre Master Plan Sub-Committee

Business Paper

date of meeting: Thursday 28 March 2019

Iocation: Function Room

Port Macquarie-Hastings Council

17 Burrawan Street

Port Macquarie

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 Town Centre Master Plan
- Act as a communication conduit between Council and the CBD stakeholders in respect to the Town Centre Master Plan
- Make recommendations to Council regarding an annual Works Program and Budget to be adopted 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

3.0 MEMBERSHIP

3.1 Voting Members

- Councillor (resolved by Council)
- Director Strategy and Growth
- Senior Landscape Architect- Council
- 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)



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 Mayors 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 Subcommittee 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. Terms will be staggered so
that every year expressions of interest for new members (a) or (b) will be called
depending on rotation.

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 Meeting shall not proceed unless a quorum of at least one (1) more than half the number of members are present, at least one of whom must be a full time Council employee and at least 3 of whom must not be Council employees.

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.

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 a 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	26/07/18	30/08/18	25/10/18	29/11/18	28/02/19
Councillor G Hawkins	✓	Α	✓	✓	✓
(Chair)					
Councillor M Cusato	Α	✓	Α	X	✓
(Deputy Chair)				_	
Jeffery Sharp	✓	✓	✓	Α	✓
(Director Strategy & Growth)	_	_			
Craig Luff	Α	Α	-	-	✓
(Landscape Architect)	_				
Jeff Gillespie	Α	→	✓	✓	✓
(CBD Landowner 2018-2019)	1			_	
Robert Sagolj	•	•	•	Α	∀
(CBD Landowner 2018-2020)					
vacant	-	-	-	-	-
(CBD Trader with expertise 2016-2018)					
Tony Thorne	•	•	•	•	•
(Chamber of Commerce Representative 2018-2020)					
Michelle Love	✓	✓	✓	Α	✓
(Community Member 2018-2019)					
Sharon Beard	✓	✓	✓	✓	✓
(Access Committee Representative					
2018-2020)					
Geraldine Haigh	✓	✓	✓	Α	✓
(CBD Trader 2018-2020)			_		
John McGuigan	✓	Α	Α	✓	✓
(June 2018 - 2019)					
Michael Nunez	✓	✓	✓	✓	✓
(TCMP Project Manager / Co-ordinator)					
(non-voting)					

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



Town Centre Master Plan Sub-Committee Meeting Thursday 28 March 2019

Items of Business

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TOWN CENTRE MASTER PLAN SUB-COMMITTEE 28/03/2019

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 28 February 2019 be confirmed.





PRESENT

Members:

Councillor Geoffrey Hawkins (Chair)
Councillor Michael Cusato (Deputy Chair)
Jeffery Sharp (Director Strategy & Growth)
Craig Luff (Landscape Architect)
Jeff Gillespie (CBD Landowner)
Robert Sagolj (CBD Landowner)
vacant (CBD Trader with expertise)
Tony Thorne (Chamber of Commerce Representative)
Michelle Love (Community Member)
Sharon Beard (Access Committee Representative)
Geraldine Haigh (CBD Trader)
John McGuigan
Michael Nunez (TCMP Project Manager / Co-ordinator)

Other Attendees:

Nil.

Councillor Robert Turner Liam Bulley (Group Manager Recreation and Buildings)

	The meeting opened at 8:00am.
01	ACKNOWLEDGEMENT OF COUNTRY
The /	Acknowledgement of Country was delivered.
02	APOLOGIES



03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Town Centre Master Plan Sub-Committee Meeting held on 29 November 2018 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 BUSINESS ARISING FROM PREVIOUS MINUTES

CONSENSUS:

That the Business Arising Schedule be noted.

06 CLARENCE STREET TREE AND UNDERSTOREY PLACEMENT

CONSENSUS:

That the Town Centre Master Plan Sub-Committee:

- 1. Endorse Option 2 as the preferred approach for Tree and Understorey placement in Clarence Street.
- 2. Agree via a walkabout any trees to be removed / replaced in the short term in Clarence Street.
- 3. Use the existing landscape budget for any immediate works.

07 GORDON STREET UNDERPASS - PROJECT UPDATE

CONSENSUS:

That the Town Centre Master Plan Sub-Committee:

- 1. Note the information contained within this report.
- 2. Receive a future report when project costs have been further developed.



08 TOWN SQUARE

CONSENSUS:

That the Town Centre master Plan Sub-Committee note the information contained within this report.

Include in the March meeting – linkage of responsibilities of catenary lighting in the original contract.

Add reflective material and frangible bolts to the bollards at the disabled parks Confirm the ongoing position regarding fixed furniture in the Town Square.

09 BANNER POLES

CONSENSUS:

That the Town Centre Master Plan Sub-Committee note the information contained in this report.

10 GENERAL MAINTENANCE

CONSENSUS:

That the Town Centre Master Plan Sub-Committee note the information contained in this report.

11 KOOLOONBUNG CREEK STAGE 1

CONSENSUS:

That the Town Centre Master Plan Sub-Committee note the information contained in this report.

12 FORESHORE WALKWAY PROJECT UPDATE

CONSENSUS:

That the Town Centre Master Plan Sub-Committee:

- 1. Note the information contained in this report.
- 2. Support the allocation of a budget of \$150,000 to allow for finalisation of the Foreshore Walkway Project detailed design and approvals.



13	PROPOSED DATES FOR 2019 TOWN CENTRE MASTER PLAN SUB- COMMITTEE MEETINGS
CON	SENSUS:
That	the Committee accept the proposed dates for 2019 TCMP sub-committee meetings.
14	GENERAL BUSINESS
Nil.	
-	

The meeting closed at 10:10am.

Item:

04

TOWN CENTRE MASTER PLAN SUB-COMMITTEE 28/03/2019

Subject: DISCLOSURES OF INTEREST					
RECOMMENDATION	RECOMMENDATION				
That Disclosures of Interest I	pe presented				
DISCLOSU	DISCLOSURE OF INTEREST DECLARATION				
Name of Meeting:					
Meeting Date:					
Item Number:					
Subject:					
I,	declare the following interest:				
Pecuniary: Take no part in the commeeting.	nsideration and voting and be out of sight of the				
Non-Pecuniary - Sigr Take no part in the commeeting.	nificant Interest: nsideration and voting and be out of sight of the				
Non-Pecuniary - Less May participate in cons	s than Significant Interest: sideration and voting.				
For the reason that:					
Name:					
Signed:	Date:				

(Further explanation is provided on the next page)



TOWN CENTRE MASTER PLAN SUB-COMMITTEE 28/03/2019

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. The Council official must not be present at, or in sight of, the meeting of the Council at any time during which the matter is being considered or discussed, or at any time during which the council is voting on any question in relation to the matter. (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.



TOWN CENTRE MASTER PLAN SUB-COMMITTEE 28/03/2019

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

	I	
By [insert full name of councillor]		
In the matter of [insert name of environmental planning instrument]		
Which is to be considered at a meeting of the [insert name of meeting]		
Held on [insert date of meeting]		
PECUNIARY INTEREST		
Address of land in which councillo associated person, company or be proprietary interest (the identified	ody has a	
Relationship of identified land to councillor [Tick or cross one box.]		☐ 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).
		☐ Associated person of councillor has interest in the land.
		☐ Associated company or body of councillor has interest in the land.
MATTER GIVING RISE TO PE	CUNIARY II	NTEREST
Nature of land that is subject to a or in zone/planning control by propos		☐ The identified land.
LEP (the subject land iii [Tick or cross one box]		☐ Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning in and identify relevant zone/planning applying to the subject land]	g control	
Proposed change of zone/planning [Insert name of proposed LEP and proposed change of zone/planning applying to the subject land]	d identify g control	
Effect of proposed change of zone control on councillor [Tick or cross one box]	e/planning	☐ Appreciable financial gain.
[TOK OF GROOD ONG DOX]		□ Appreciable financial loss.

Councillor's Name:		
Councillor's Signature:	Date:	



TOWN CENTRE MASTER PLAN SUB-COMMITTEE 28/03/2019

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.

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.



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..

Subject: BUSINESS ARISING FROM PREVIOUS MINUTES

Item:	08	Date:	29/11/2018	
Subject:	Additional Infrastructure Fund	al Infrastructure Funding for Artwalk		
Action	Request a further report from Cultural Steering Group on			
Required:	Infrastructure required for TCMP consideration.			
Current	Report to be provided later in 2019 once it has been considered at			
Status:	a CSG sub-committee meeting.			
	This is yet to be tabled at a C	SG meet	ing.	

Item:	07	Date:	29/11/2018
Subject:	Town Square Final Cost Proje	ection	
Action Required:	Staff to provide a further report to the February meeting on the need for the installation of transformer.		
Current Status:	Work is continuing on finalisation of costs for the project. Will be discussed in general business.		

Item:	06	Date:	28/02/2019
Subject:	Gordon Street Underpass		
Action Required:	Staff to provide a further report to a future meeting when project costs have been further developed.		
Current Status:	Work is continuing on finalisation of costs for the project.		

Reports to future meetings		
Report	Due Date	Requested
Town Square Monthly Progress Report	Monthly	29 Jun 17
Town Centre Footpath Cleaning – contract	Aug 2018	31 May 18
methodology and potential cost implications		
Master Plan Works Monitoring by Grids	Sept 2018	31 Aug 17
Update on Accessible Parking Costs in the CBD	TBA	26 July 17



TOWN CENTRE MASTER PLAN SUB-COMMITTEE 28/03/2019

Item: 06

Subject: TOWN CENTRE TREE REPLACEMENTS

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

That the Town Centre Master Plan Sub-Committee endorse the replacement of Town Centre trees as outlined in this report.

Discussion

At the February 2019 Town Centre Master Plan Sub-Committee meeting members requested to partake in a walk through the Town Centre streets to consider trees of poor form to be replaced prior to undertaking streetscape refurbishment projects which have been indefinitely postponed. This site meeting took place on Monday 4th of March 2019.

Examples of problem trees to be replaced:



Clarence Street
Persistent defoliation



William Street Poor form



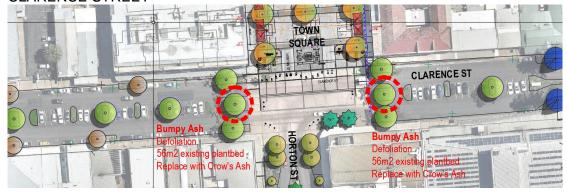
Hayward Street Coppiced - storm damage

The following 10 trees were identified for replacement by those Sub-Committee members present for the walk through:



TOWN CENTRE MASTER PLAN SUB-COMMITTEE 28/03/2019

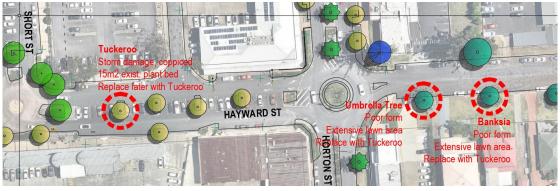
CLARENCE STREET



WILLIAM STREET



HAYWARD STREET



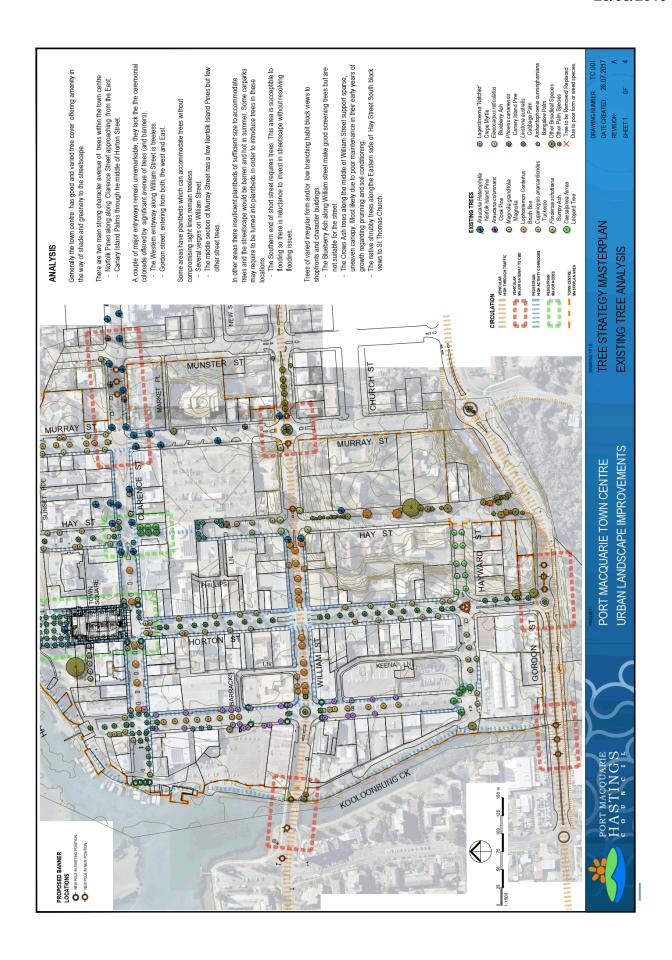
Replacement trees shall be minimum 200L in size, and species as per the Tree Strategy Masterplan. Works will include replacement of the soil, and shall retain the existing understory planting.

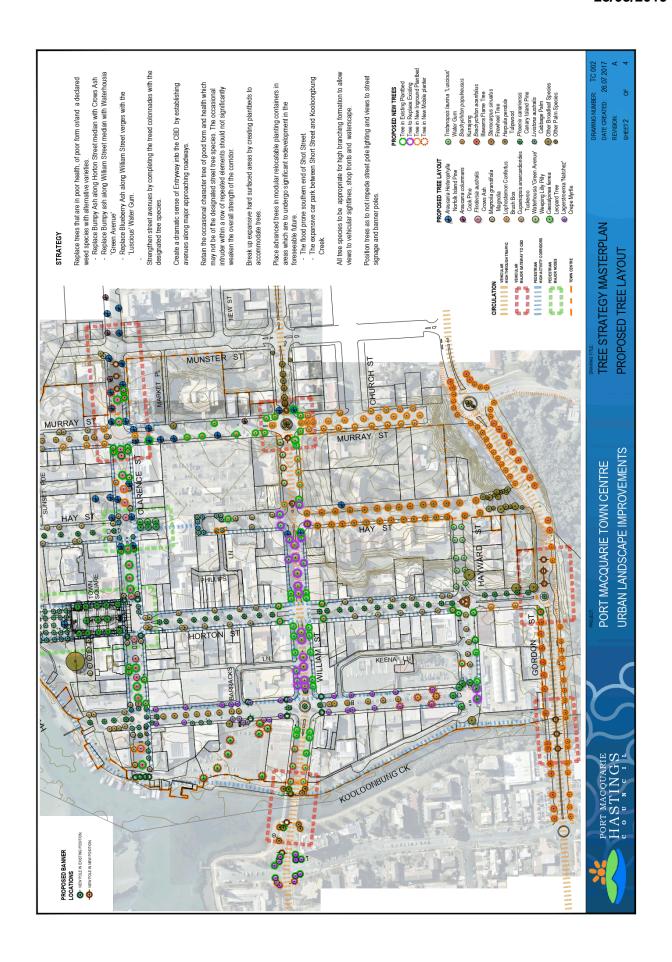
Eight of the trees will be replaced over the coming year, starting at Clarence Street, followed by William Street and then Hayward Street. Two of the trees (one on William Street and one on Hayward Street) will be removed over the coming year, however replaced at a later stage due to insufficient root zones within the existing planting beds.

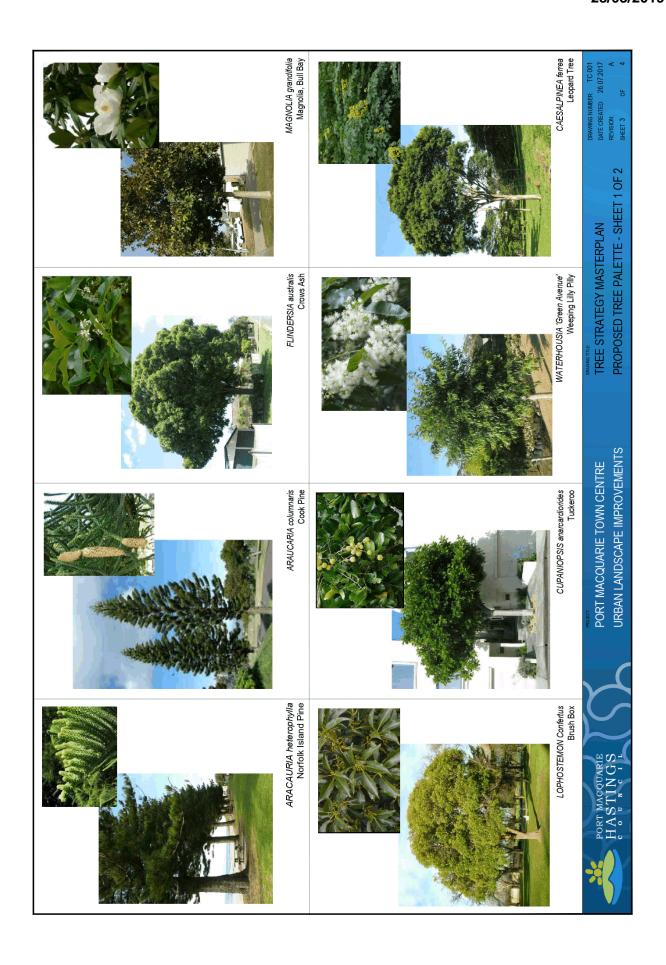
Attachments

1 View. Town Centre Tree Strategy











TOWN CENTRE MASTER PLAN SUB-COMMITTEE 28/03/2019

Item: 07

Subject: TOWN SQUARE WORKS

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

That the Town Centre Master Plan Sub-Committee:

- 1. Note the information contained within this report.
- 2. Adopt up lighting as the preferred method of lighting the Australian Flag at the Cenotaph.

Discussion

Shade Structures

At the time writing this report, manufacturing of the shade structures is complete and installation works commenced on Friday 15th March, with completion scheduled for Friday 29th March.

Partial car park closure will be in place during the works for contractor access and to ensure public safety.

Catenary Lights

Linkage of responsibilities for Catenary lighting are as follows:

- Design:
 - GHD electrical system design reviewed by GHD's Service Group Manager on 16th February 2018 which confirmed the Creative Lighting design as fit for purpose and in accordance with Australian standards.
 - GHD have Professional Indemnity insurance which would cover design failure. As the lighting system has been functioning for over a year, it is unlikely that any action taken against the designer will hold up.

Construction:

- Testing and commissioning was completed, and training held for Council Staff on the lighting system on 03rd November 2017. Any identified faults were rectified prior to project handover on 06th November 2017.
- Defects liability period started 06th November 2017 and finished on 06th November 2018. All identified defects were rectified within this period; there is no further legal recourse that can be taken against the Contractor.

- Warranties

Nominated under Council



TOWN CENTRE MASTER PLAN SUB-COMMITTEE 28/03/2019

- Catenary luminaires (10years expires 06th November 2027)
- Lighting controllers (1year expired 06th November 2018)
- All other aspects of the lighting system (1year expired 06th November 2018)

An inspection of the lighting system was carried out on Friday 15th March by Council's technicians, who have indicated that the fault is with the controller (report and action plan due Friday 23rd March).

Bluestone Seal & Tint

Revised schedule for seal and tint works for the bluestone pavement is at the beginning of April, prior to the Easter school holidays. A staged 3 day closure of the Town Square is required.

Flag Pole Lighting

Port Macquarie RSL Sub-Branch recently requested the addition of lighting to the existing flagpoles in Town Square (note that this was not requested during design or construction of the cenotaph relocation works).

The recommended action is to install inground uplights, which will require localised removal and reinstatement of pavement and has an estimated cost of approximately \$5,000.

Implementation of the requested lighting upgrade is subject to the RSL Sub-Branch confirming that they will contribute at least half of the required funds for these works.

Attachments

Nil

