



TAMWORTH REGIONAL COUNCIL

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that a **Extraordinary Meeting of Tamworth Regional Council** will be held in the **Council Chambers, 4th Floor Ray Walsh House, 437 Peel Street, Tamworth**, commencing at **12:00pm**.

EXTRAORDINARY COUNCIL AGENDA

6 APRIL 2020

**PAUL BENNETT
GENERAL MANAGER**

Order of Business

ITEM	SUBJECT	PAGE NO
1	APOLOGIES AND LEAVE OF ABSENCE	4
2	COMMUNITY CONSULTATION.....	4
3	DISCLOSURE OF INTEREST	4
4	MAYORAL MINUTE	4
4.1	COVID-19 RELIEF PACKAGE	4

1 CONFIDENTIAL ENCLOSURES ENCLOSED

Council

Meeting Date: 2nd and 4th Tuesday of the month commencing at 6:30pm.

Matters determined by Ordinary meetings will include all those non-delegable functions identified in Section 377 of the Local Government Act as follows:

- *“the appointment of a general manager*
- *the making of a rate*
- *a determination under section 549 as to the levying of a rate*
- *the making of a charge*
- *the fixing of a fee*
- *the borrowing of money*
- *the voting of money for expenditure on its works, services or operations*
- *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)*
- *the acceptance of tenders which are required under this Act to be invited by the council*
- *the adoption of an operational plan under section 405*
- *the adoption of a financial statement included in an annual financial report*
- *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6*
- *the fixing of an amount or rate for the carrying out by the council of work on private land*
- *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work*
- *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#)*
- *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194*
- *a decision under section 356 to contribute money or otherwise grant financial assistance to persons*
- *the making of an application, or the giving of a notice, to the Governor or Minister*
- *this power of delegation*
- *any function under this or any other Act that is expressly required to be exercised by resolution of the council.”*

Other matters and functions determined by Ordinary Council Meetings will include:

- *Notices of Motion*
- *Notices of Motion of Rescission*
- *Council Elections, Polls, Constitutional Referendums and Public Hearings/Inquiries*
- *Ministerial Committees and Inquiries*
- *Mayor and Councillors Annual Fees*
- *Payment of Expenses and Provision of Facilities to Mayor and Councillors*
- *Local Government Remuneration Tribunal*
- *Local Government Boundaries*
- *NSW Ombudsman*
- *Administrative Decisions Tribunal*
- *Delegation of Functions by the Minister*
- *Delegation of Functions to General Manager and Principal Committees*
- *Organisation Structure*
- *Code of Conduct*
- *Code of Meeting Practice*
- *Honesty and Disclosure of Interests*
- *Access to Information*
- *Protection of Privacy*
- *Enforcement Functions (statutory breaches/prosecutions/recovery of rates)*
- *Dispute Resolution*
- *Council Land and Property Development*
- *Annual Financial Reports, Auditors Reports, Annual Reports and Statement of the Environment Reports*
- *Performance of the General Manager*
- *Equal Employment Opportunity*
- *Powers of Entry*
- *Liability and Insurance*
- *Membership of Organisations*

Membership: All Councillors
Quorum: Five members
Chairperson: The Mayor
Deputy Chairperson: The Deputy Mayor

Community Consultation Policy

The first 30 minutes of Open Council Meetings is available for members of the Public to address the Council Meeting or submit questions either verbally or in writing, on matters INCLUDED in the Business Paper for the Meeting.

Members of the public will be permitted a maximum of three minutes to address the Council Meeting. An extension of time may be granted if deemed necessary.

Members of the public seeking to represent or speak on behalf of a third party must satisfy the Council or Committee Meeting that he or she has the authority to represent or speak on behalf of the third party.

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone, in person or online prior to 4:30pm the day of the Meeting to address the Council Meeting. Persons not registered to speak will not be able to address Council at the Meeting.

Council will only permit three speakers in support and three speakers in opposition to a recommendation contained in the Business Paper. If there are more than three speakers, Council's Governance division will contact all registered speakers to determine who will address Council. In relation to a Development Application, the applicant will be reserved a position to speak.

Members of the public will not be permitted to raise matters or provide information which involves:

- personnel matters concerning particular individuals (other than Councillors);
- personal hardship of any resident or ratepayer;
- information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;
- Commercial information of a confidential nature that would, if disclosed:
 - prejudice the commercial position of the person who supplied it, or
 - confer a commercial advantage on a competitor of the Council; or
 - reveal a trade secret;
- information that would, if disclosed prejudice the maintenance of law;
- matters affecting the security of the Council, Councillors, Council staff or Council property;
- advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- information concerning the nature and location of a place or an item of Aboriginal significance on community land;
- alleged contraventions of any Code of Conduct requirements applicable under Section 440; or
- on balance, be contrary to the public interest.

Members of the public will not be permitted to use Community Consultation to abuse, vilify, insult, threaten, intimidate or harass Councillors, Council staff or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of the order and may be expelled.

Disclosure of Political Donations or Gifts

If you have made a relevant planning application to Council which is listed for determination on the Council Business Paper you must disclose any political donation or gift made to any councillor or employee of the Council within the period commencing two years before the application is made and ending when the application is determined (Section 147(4) Environmental Planning and Assessment Act 1979).

If you have made a relevant public submission to Council in relation to a relevant planning application which is listed for determination on the Council Business Paper you must disclose any political donation or gifts made to any councillor or employee of the Council by you as the person making the submission or any associate within the period commencing two years before the submission is made and ending when the application is determined (Section 147(5) Environmental Planning and Assessment Act 1979).

AGENDA

1 APOLOGIES AND LEAVE OF ABSENCE

2 COMMUNITY CONSULTATION

3 DISCLOSURE OF INTEREST

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

4 MAYORAL MINUTE

4.1 COVID-19 RELIEF PACKAGE – FILE No SF10194

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Col Murray, Mayor

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “COVID-19 Relief Package”, Council:

- (i) receive and note the report;*
- (ii) acknowledge the work already undertaken;*
- (iii) approve the waiving of footpath advertising fees to 30 June 2020;*
- (iv) approve that no additional fees will be charged for the use of additional public space to provide take-away food services to 30 June 2020;*
- (v) approve that CBD Car Parking Fees will be removed to 30 June 2020;*
- (vi) authorise the full refund of fees to any Development Application (DA) applicants wanting to withdraw applications currently under assessment.*
- (vii) endorse the flexible approach to enforcement and compliance as outlined in the body of the report;*
- (viii) endorse the work with Local, State and Federal agencies to maximise employment opportunities;*
- (ix) acknowledge no new debt recovery action for overdue rates and charges during the COVID-19 crisis to 30 June 2020;*
- (x) approve a 0% interest rate to be applied to any overdue fourth quarter 2020 rates instalments;*
- (xi) approve the pausing/suspension of rent for commercial properties on application from the lessee to 30 June 2020;*
- (xii) seek the same consideration from all commercial landlords to the level of assistance they are able to receive from the State and Federal governments;*

(xiii) request a future report to the Ordinary Meeting scheduled for 24 June 2020, for an update on the items listed to end on 30 June 2020; and

(xiv) request a further report on the further options being reviewed outlined in the body of this report.

SUMMARY

The purpose of this report is to provide an update on measures already implemented by Council in response to the impacts of the COVID-19 pandemic and to seek Council's approval for the implementation for further relief to assist the businesses of the Tamworth region through this pandemic.

This report addresses what has already been implemented, what is proposed and what further options are being reviewed.

COMMENTARY

The situation that has resulted from the impacts of the COVID-19 crisis is unlike anything Tamworth and many other parts of Australia have seen before.

In response to this unprecedented situation Council has moved quickly to manage and make changes to operations in order to assist the community and deliver ongoing services in a safe manner.

Council and the executive team are working together to ensure Council continues to deliver essential services to our community, provide economic stimulus to our community and work with our community and the other tiers of government to be in the best possible position to work through this pandemic and come out as strong as possible on the other side.

Internally, Council's executive team and Crisis Management Team are working to ensure our staff are safe and are employed with meaningful work, even if this work is quite different to their normal duties in response to the ever changing situation. This includes taking into account that different parts of the organisation may be impacted in different ways by the measures put in place to address the spread of COVID-19. For example, the impact to the Events team is significantly different to the impacts on the Water Operations team.

This report is broken into three key components:

1. What has been already implemented;
2. What is proposed; and
3. What further options are being reviewed.

What have we already implemented

In seeking to assist local businesses during this time Council has already implemented the following measures:

- **Delivery curfew removed for food stores:** A temporary blanket exemption from any delivery curfews has been imposed for supermarkets and shops of essential household items across the Tamworth region. This took effect on Tuesday 17 March 2020, and will continue until further notice.
- **Restaurants transitioning to take-away:** Council is allowing restaurants not currently licenced that have development consents to undertake a take away service.

- **Click and Collect library service:** A new Click and Collect service was launched on Tuesday 24 March 2020, and can be accessed through www.cnl.nsw.gov.au. Readers can reserve the books they want to borrow and staff at Tamworth City Library will package them in a plastic bag, check them out and deliver to the borrower at the loading dock in the laneway between the library and Parry House. When a borrower arrives, they press the buzzer and they will receive their books.
- **Free access to Grants Hub:** Funding available for community groups, sporting clubs, not-for-profits or businesses can be found through the Tamworth Grants Hub which Council has made available free to the wider community. Anyone who accesses the Tamworth Grants Hub through Council's website can register for free, search for funding opportunities, set up email alerts for new grants, create a list of favourite grants and even get tips to help with grant applications. It also has a quick list of Corona virus, bushfire, drought and disaster funding opportunities.
- **Online Development Hub:** Tamworth Regional Council is one of the first councils in the state to offer a full service Online Development Hub for residential and commercial applications of any size. Users are able to lodge applications, seek certificates, track documents, view details and pay fees remotely, with no need to enter Council's Tamworth office.
- **Tamworth Region Trading Directory:** The [Tamworth Region Trading Directory](http://www.tamworth.nsw.gov.au/tradingtamworth) was launched on Monday 23 March 2020. It is designed to provide our community with up-to-date information and about the operating capacities of businesses in the Tamworth region. Essential services listings include supermarkets and other food stores, pharmacies, health services, service stations and Council facilities. The directory can be found by visiting www.tamworth.nsw.gov.au/tradingtamworth. Non-essential businesses listings are linked to our partner, NBN Tamworth's [We Love It](#) community directory, where these businesses are encourage to create a free listing.
- **Business know-how:** Council's Economic Development team has regular communications with the [Office of Small Business Commission](#), [Service NSW](#) and [Tamworth Business Chamber](#) as part of its work to support local business. Through its regular electronic newsletters, the team is working to raise awareness among local business in regards to the free resources available to develop and adapt their business.
- **Fast Tracking of invoice payments:** to assist local businesses maintain cash flows and pay their bills.

What is proposed:

The next stage of Council's efforts to provide economic stimulus to our community is proposed to address relief in relation to:

- waiving of fees and charges;
 - initiatives for ratepayers;
 - flexible enforcement and compliance;
 - continue to work with State and Federal agencies to maximise employment opportunities in the region;
 - Council commercially leased properties (as the lessor); and
 - Council commercially leased properties (as the lessee).
-

In this Mayoral Minute, I am proposing that Council endorse the following measures in relation to each of the below items. For these items it is proposed that they are implemented through to 30 June 2020, with a further report to be presented to Council at the Ordinary Meeting on 24 June 2020, with an update on the current situation and for a potential extension of these measures based on the situation at that time.

Waiving and/or adjusting of fees and charges through to 30 June 2020

Fee	Proposed Action	Comments
Footpath advertising	No fees to be charged	
Use of additional public space to provide take-away food services	No additional fees will be charged	
CBD Car Parking Fees	It is proposed car parking meter charges will be turned off in the Tamworth CBD	It will be important the Rangers continue to enforce time restrictions and unsafe situations but it is proposed to increase the buffer time from 15 minutes to 30 minutes. This will allow parking spaces are vacated frequently enough to allow people the best opportunity to park near the shop they are visiting and minimise travel and exposure
Development Application fees	It is proposed that Council will offer a full refund of fees to any Development Application (DA) applicants wanting to withdraw applications currently under assessment.	This does not include Development Applications that have already been approved.

Initiatives for ratepayers

Whilst the Local Government Act 1993, does not allow Council to waive rates, it is proposed there will be no new debt recovery action for overdue rates and charges during the COVID-19 crisis and that a 0% interest rate will apply commencing with the fourth quarter 2020 rates instalment. This will be reviewed every three months. Interest will continue to be charged on overdue rates until Council has been contacted and a payment plan put in place.

Interest will continue to be charged on any overdue rates prior to and including the third rates instalment for the current year until Council has been contacted and a payment plan put in place and this plan adhered to.

Council will continue to advertise via traditional methods and social media that any ratepayer – residential, business or rural - in the Tamworth region that is concerned about their ability to pay their rates should call Council on 6767 5555. They will be put in contact with a member of our finance team to talk confidentially about their individual situation.

Flexible approach to enforcement and compliance

- Council will limit enforcement action to matters that are only of an imminent public or environmental safety risk, ensuring there is no increase to public risk and community

impacts, and the expectations are managed. This will enable business operations to adapt to the changing consumer demand.

- It will be important that in relation to car parks, the Rangers continue to enforce time restrictions and unsafe situations, but it is proposed to increase the buffer time from 15 minutes to 30 minutes. This will ensure parking spaces are vacated frequently enough to allow drivers the best opportunity to park near the shop they are visiting and minimise travel and exposure.
- Food businesses must continue to meet food safety laws requirements at all times.

Work with Local, State and Federal agencies to maximise employment opportunities

The State and Federal Governments are providing a number of aid packages for small to medium businesses which can be accessed by businesses in the Tamworth region.

Some of the highlights of the financial packages relevant to business as at the time of writing include:

- State Government Stimulus Package I:
 - \$450 million for waiving Payroll Tax for all businesses up to \$10 million.
- Federal Government – Stimulus Packages I & II:
 - up to \$7,000 per quarter to small businesses for apprentices;
 - sole traders who have had their income reduced by 20% or more will be able to access up to \$10,000 of the superannuation tax free for 2019/2020 and 2020/2021; and
 - up to \$100,000 tax free cash payment for small businesses and not for profits with a turnover under \$50 million paid as a credit on their BAS.

The total economic stimulus now being offered is now at \$320 billion, representing 16.4% of total GDP.

Whilst Council is seeking to provide as much assistance as possible, Council also needs to manage sound financial management practices pursuant to section 8B of the Local Government Act 1993. As such Council will work with local businesses along with the State and Federal government to ensure local businesses are maximising the assistance available to help them through this difficult time.

Council's commercially leased properties (as the lessor)

Council has a large number of commercial properties which it leases to commercial and not for profit organisations. These buildings, locations and agreements include but are not limited to:

1. numerous other buildings in the Tamworth CBD;
2. numerous other buildings in the Barraba CBD;
3. the Airport;
4. agistment agreements;
5. community leases;
6. sporting groups;

7. crown parcels, where (with the exception of the caravan parks) the rental is capped for community groups at approximately \$500.00 per year; and
8. telecommunications facility agreements.

A more detailed list of commercial buildings and tenants is **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**. Some of the businesses have applied for rent relief and we are expecting these requests to increase the longer the crisis lasts. As mentioned earlier in the report, Council also needs to manage sound financial management practices and also has to be very aware not to be put in a position where it is providing an unfair advantage to one business over another (competitive neutrality).

Noting this and the above stimulus packages from the State and Federal governments, Council staff have reviewed the options and believe that the most appropriate approach is to work with local businesses and allow those impacted to pause or suspend their rental payments and Council would work with each respective tenant to come to a mutually agreeable outcome and way forward.

Council's goal through this process will be to ease the burden now and put in place a longer term approach to address the rental situation. By pausing the payments now and working with these businesses, we can take into account:

1. the full extent to which State and Federal assistance is available; and
2. work collectively on terms that will help businesses trade into the future. This could include options such as amortisation for the outstanding amount for the remainder of the tenancy, lease extensions, reduction of fees or a combination of these options.

Taking this approach will remove this as an immediate burden on local businesses and allow all parties to make decisions as more information is known.

Council also has a number of residential tenancies, but to date Council has not been advised of any requests for reduction or suspension of payment in these cases. However, it should be noted that Council will be obliged to abide by the new regulations barring any residential or commercial tenant from eviction for a period of six months, even in the event of non-payment of rent. The information surrounding this is still emerging, and Council will be kept informed as the matter develops.

It would be anticipated a further report would be presented to Council at or prior to the end of the financial year to update Council on the situation.

Council commercially leased properties (as the lessee)

Council is also a commercial tenant at some properties, most notably the Tamworth Visitor Information Centre, the Capitol Theatre and the Year Round Care services. Council would also seek to ask these landlords for the same consideration all commercial landlords are being asked for subject to the level of assistance they are able to receive from the State and Federal governments.

What further options are being reviewed:

In addition to the above proposed items, it is also proposed the following works are undertaken and presented to Council in a future report:

- review of current works;
- continue to work with State and Federal agencies to maximise employment opportunities in the region;

- review of Council's donations program selection criteria leading into the 2020/21 financial year; and
- review of Council's Procurement Policy.

Review of current works

Undertake a review of the current works schedule and prioritise projects that could be undertaken using contracted services from local companies or labour hire agencies to further support local employment.

Review of Council's donations program

Council will undertake a review of the selection criteria related to the Annual Donations Program for the 2020/21 financial year to provide greater flexibility in how these funds can be distributed. This would be the subject of the report to Council on 24 June 2020.

Review of Council's Procurement Policy

Council's current Procurement Policy does not provide additional weighting to works from local businesses. Traditionally local businesses have had an advantage in reduced travel expenditures and in some cases lower overheads compared to metro based organisations but can also have less buying power.

The Procurement Policy will be reviewed to allow for greater weighting for services that can be provided locally to maximise local employment opportunities.

(a) Policy Implications

Council's Procurement Policy will be reviewed through this process.

(b) Financial Implications

Fee	Financial impact
Footpath advertising	Based on previous years three months loss for this equates to approximately \$5,000 per quarter
Use of additional public space to provide take-away food services	\$0 impact initially but expected to reduce the 2020/21 income for this areas
CBD Car Parking Fees	Based on previous years three months loss of car parking fees equates to approximately \$125,000 per quarter not including on street car parking fines.
Development Application fees	<ul style="list-style-type: none"> • the value of direct DA fees currently under assessment is approximately \$125,000; • the full value of all associated DA fees including compliance levy, notification fees and archives currently under assessment is approximately \$250,000; and • this will not apply to Development Applications that have already been approved.
Council commercially leased properties (as the lessor)	<ul style="list-style-type: none"> • \$0 impact initially in relation to rental income but there will be a cost of carry on the cash flow not received; and • any waiving of rental charges would be presented in a future report.

Council commercially leased properties (as the lessee)	This is unknown at the time of the writing of the report
Council commercially leased properties (as the lessor)	This is unknown at the time of the writing of the report

(c) Legal Implications

Lease agreements will require review, negotiation and updates.

(d) Community Consultation

Media briefings and press releases have been made regarding this matter along with resident and business feedback.

(e) Delivery Program Objective/Strategy

A Region of Progressive Leadership – L12 Represent and advocate community needs.
