

# TAMWORTH REGIONAL COUNCIL

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **Meeting of Tamworth Regional Council** will be held in the **Council Chambers, 4th Floor Ray Walsh House, 437 Peel Street, Tamworth**, commencing at **6:30pm**.

## ORDINARY COUNCIL AGENDA

**13 APRIL 2021**

**PAUL BENNETT  
GENERAL MANAGER**

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## Council

Meeting Date: 2<sup>nd</sup> and 4<sup>th</sup> 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*

<b>Membership:</b>	<b>All Councillors</b>
<b>Quorum:</b>	<b>Five members</b>
<b>Chairperson:</b>	<b>The Mayor</b>
<b>Deputy Chairperson:</b>	<b>The Deputy Mayor</b>

## 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 prior to 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 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL**

### **RECOMMENDATION**

*That the Minutes of the Ordinary Meeting held on Tuesday, 23 March 2021 and Extraordinary Meeting held on Monday, 29 March 2021, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.*

### **4 DISCLOSURE OF INTEREST**

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

### **5 MAYORAL MINUTE**

#### **5.1 JOHN WILLIAMSON BRONZE STATUE**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Col Murray, Mayor

### **RECOMMENDATION**

*That in relation to the report “John Williamson Bronze Statue”, Council:*

- (i) receive and note the report; and*
- (ii) underwrite the project while funds are being raised.*

### **SUMMARY**

The John Williamson Statue Fundraising Committee, has been formed by citizens from Tamworth and individuals from the Australian Country Music Industry, and are seeking Council’s support to facilitate the fundraising project.

The objective of the committee is to commission the design, sculpting, casting and the placing of a life size statue of Australian country music legend John Williamson, in a high-profile site in the CBD of Tamworth.

The Statue is to be unveiled as a major and nationally publicised highlight of the 50th Anniversary of the renowned Tamworth Country Music Festival and Country Music Awards to be celebrated in January 2022.

As well as signalling our resurgence as a Festival, the honouring of one of Australia's most famous and well-loved singer/songwriters will signify to the general public the importance Tamworth places on acknowledging Australian Country Music.

Proposed Fundraising Executive:

- Patron: Joy McKean;
- Chairman: Councillor Col Murray;
- Deputy Chair and Appeal Secretary: Max Ellis; and
- Committee: Barry Harley, Bob Kirchner, Bill Warburton, Lorraine Pfitzner, Kate Nugent, Rebecca Gracie, Cheryl Brown. Other members to be selected.

A quote for \$99,000 (including GST) has been received from well-known sculptor Tanya Bartlett, who has created four sculptures in Tamworth already. The Waler Memorial, the Smoky Dawson and Slim and Joy statues.

Representations have been made to both Federal and State Government for significant contributions to the project.

Investigations are underway with the Australian Taxation Office (ATO) regarding the ability to use the Art Gallery Gift Deduction Recipient (GDR) to handle the donations and a 'GoFundMe' online website with funds being directly deposited into a TRC account.

To undertake a project of this type requires considerable preparation and pre-booking of foundry facilities, modelling, sculpting etc. A 12-month period is much shorter than normal for this sculptor. Therefore, we are seeking expressions of assistance as soon as is practicable.

## COMMENTARY

The committee believe the cancellation of the 2021 Country Music Festival has had serious consequences for our City in a number of ways.

Firstly, Tamworth as a community has forgone a huge and inbuilt surge of annual Festival generated revenue. The final amount depends on how this is calculated but over the years based on Destination NSW tourism data, the figure of more than \$50 million per annum has been widely accepted. Thus, the revenue received for the hugely diminished activities of 2021, represent a massive reduction in our community resources. Tamworth cannot afford to lose this incredible source of income for our regional centre for one year, let alone into the future.

Tamworth must make sure it regains its momentum in a seriously competitive tourism calendar as soon as possible.

January 2022, will see the 50th staging of the Australasian Country Music Awards and Festival. This event was launched by Radio 2TM in 1973, and is the foundation stone of the Festival and all other activities associated with Tamworth's world-wide reputation as Australia's Country Music Capital.

The John Williamson Statue Fundraising Committee believes that it, as a community, with the support of the Country Music industry, must pull out every stop to re-instate our Awards and Festival and re-establish as one of the nation's and the world's pre-eminent music events.

Re-establishing the Awards and Festival in the public eye and in the Australian tourism calendar is the powerful motivation behind this project.

The 2022 Celebrations offer the City a wonderful opportunity to re-create the vast awareness and high status of our event. Only by doing this can we continue to enjoy the benefits of our half a century of investment.

### **Why John Williamson?**

The John Williamson Statue Project, in honouring a man who has made an extraordinary contribution to our nation's self-image and to maintaining the heritage of Australia is a totally appropriate subject.

Over decades, John has also championed Indigenous causes and is famous for his duets with Alice Springs aboriginal star Warren H Williams (Raining On The Rock).

The fact that John has also been a consistent supporter of the Country Music Industry and the Tamworth Festival is further proof of his suitability for this recognition.

Max Ellis has provided a compelling summary of John Williamson's life and contribution as follows:

*In 1969 a young man on a Victorian farm, wrote a humorous song which changed the course of Australian music for decades to come.*

*"Old man Emu" was about as "dinkum" as is possible and it's humour, jaunty melody and real Australian character guaranteed it a firm place in our nations country music history. But it was the path it opened for JW that was so important. It introduced us all to a new exciting talent who was driven and shaped by his passionate love, experience and dedication to this land and its people.*

*Known as Willo by his millions of followers, John's repertoire expanded rapidly and while comedy has always been a vital element, (he is a great admirer of Chad) John was soon following the footsteps of other country music greats like Slim, Buddy and Stan. Boosted by his popular TV program, Travelin' Out West, Johns' popularity soared.*

*He won his first of almost 30 Golden Guitars in 1985 with "Queen in the Sport of Kings". He followed this with several huge albums, Mallee Boy, Boomerang Café, Warragul and toured around the nation with an act that included John himself with a foot operated percussion box and Pixie Jenkins on his fiddle. By the late 80s superb ballads like Cootamundra Wattle and Mallee Boy were attracting a younger more contemporary audience to Australian Country Music. Raining on the Rock with Warren Williams was another gigantic song with emotional ties to "country".*

*As well as performing John has contributed to the CM Industry serving as the inaugural Vice Chair and later as President of the CMAA for many years. An early star on the Roll of Renown (1988), he has won countless awards and trophies and is recognised widely as an inspired country music entertainer.*

*In 1982 he wrote what many Australians regard as our most popular national anthem. "True Blue", an emotional, but deliberately low key, hymn to what being Australian is all about was re-released in 1986. It has become one of our nations most recognised universally loved and celebrated songs, performed at countless public occasions, funerals and events. It's sold literally millions of copies.*



*In the meantime, JW has continued to tour and perform, adding other, iconic performances to his repertoire. He is a very popular and admired writer and singer of truly Australian songs and an influential industry leader.*

*He is committed to environmental issues, he's a republican with his own national flag design and he is passionate about all things Australian including our music.*

*He was awarded an AM in 1992.*

*He was born 1 November 1945 and is now 75 years old. This year he has been celebrating his 50th Anniversary. I believe we must recognise this giant of Australian Country Music and suggest we initiate a statue project ASAP.*

#### **How?**

The Committee members include several who have handled both the fundraising and the fulfilment and unveiling of the Smoky and the Slim and Joy statues, and are confident they have both the expertise and experience to raise the funds and deliver the Statue in the time allocated for the project.

Because most of the members are already involved in the Australian Country Music scene and have been over many decades, they are confident of their ability to guide the sculptor in a practical manner which will please both John Williamson himself and his multitude of fans.

#### **When?**

The date of the commencement and public launching of this project must wait until Council determines their ability to accept the underwriting responsibility. The plan is to formally start the process no later than April 2021, and to officially launch the fundraising appeal in May 2021.

#### **(a) Policy Implications**

Nil

#### **(b) Financial Implications**

In kind assistance will be given for the installation and there is a small risk if the full funding from grants, donations and gifts isn't realised. However, fundraising will continue past the unveiling date if that does occur.

#### **(c) Legal Implications**

Nil

#### **(d) Community Consultation**

Extensive communication with stakeholders and the country music industry with depth of support illustrated in makeup of fundraising committee.

#### **(e) Delivery Program Objective/Strategy**

A Spirit of Community – C21 Preserve and celebrate the character, heritage and culture of our city, towns and villages.

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## **6 NOTICE OF MOTION**

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Nil

## **OPEN COUNCIL REPORTS**

### **7 ENVIRONMENT AND PLANNING**

Nil

### **8 INFRASTRUCTURE AND SERVICES**

#### **8.1 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE - ANZAC DAY 2021 EVENTS**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Murray Russell, Business Improvement Review - Regional Services**

#### **RECOMMENDATION**

*That in relation to the report “Tamworth Regional Local Traffic Committee – 2021 ANZAC Day events”, Council:*

- (i) approve the closure of Attunga Street, Attunga from 2:30pm to 5:00pm on 25 April 2021 for ANZAC Day memorial events;*
- (ii) approve the closure of Gipps Street, West Tamworth between Denison Street and Belmore Street from 6:00am to 11:00am on 25 April 2021 for ANZAC Day memorial events;*
- (iii) approve the closure of Brisbane Street, Tamworth between Napier Street and Upper Street from 4:00am to 6:30am on 25 April 2021 for ANZAC Day memorial events;*
- (iv) approve the rolling closure of Kable Avenue, White Street, Peel Street and Fitzroy Street, Tamworth for up to half an hour between 9:00am to 11:00am on 25 April 2021 for ANZAC Day memorial events;*
- (v) approve the closure of Milkmaid Street and Scotland Street, Somerton between 7:00am to 10:00am on 25 April 2021 for ANZAC Day memorial events;*
- (vi) approve the closure of Jenkins Street, Nundle between Oakenville Street and Innes Street from 11:00am to 1:00pm on 25 April 2021 for ANZAC Day memorial events;*
- (vii) approve the closure of Denman Avenue, Kootingal between Kootingal Public School and Gate Street on 25 April 2021 for ANZAC Day memorial events, time to be advised;*
- (viii) approve the closure of Manilla Street, Manilla between Market Street and Court Street on 25 April 2021 for ANZAC Day memorial events, time to be advised; and*
- (ix) approve the closure of Queen Street, Barraba between Maude Street and Market Street on 25 April 2021 for ANZAC Day memorial events, time to be advised.*

#### **SUMMARY**

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The purpose of this report is to advise Tamworth Regional Council of recommendations made by the Tamworth Regional Local Traffic Committee regarding the 2021 ANZAC Day event road closures at various locations in the Tamworth Local Government area.

## COMMENTARY

RSL Branches and community groups have advised of the following ANZAC Day memorial services, veteran walks and marches proposed for Sunday 25 April 2021 at various locations in the Tamworth Local Government area as listed below.

Due to uncertainty around changing COVID-19 restrictions, the details of some events are still being confirmed. The details of all events listed below may change at any time due to NSW Public Health Orders. Locations and traffic control arrangements will be amended to enable events to proceed where possible, in compliance with current Public Health Orders at the time of the event.

It should be noted that due to the delays in receiving the proposed event details from the various RSL Branches, the limited time available before the event and the publishing deadlines of the Tamworth Regional Council (Council) business paper, the recommendations provided in this report are in accordance with those presented to the Local Traffic Committee (the Committee) meeting on 7 April 2021. It is anticipated that these recommendations will be adopted unchanged by the LTC. The ratification of these recommendations by the Committee (or otherwise) will be confirmed prior to their endorsement by Council.

### 1. Attunga – Memorial service and march

The ANZAC Day march will assemble outside Attunga Public School at 3:00pm and will march to the memorial gates for the ANZAC Day Service at 3:15pm. There will be an afternoon tea at Attunga Public School until 4:45pm.

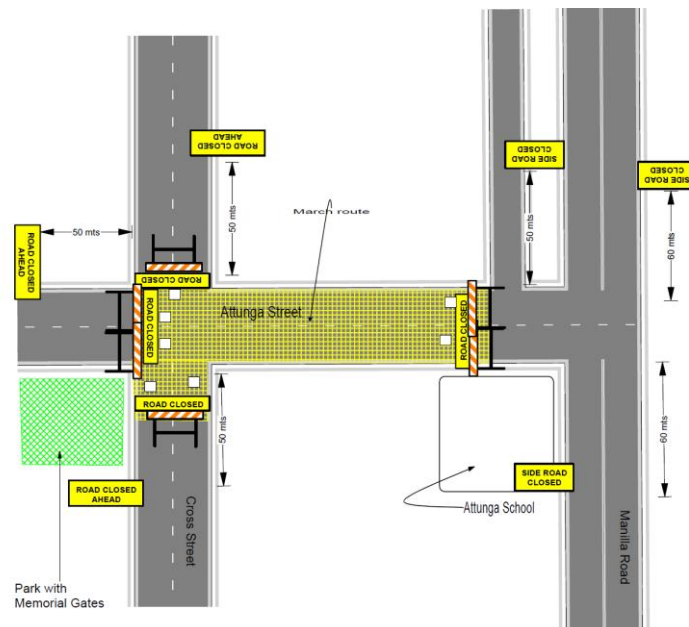


Figure 1. Proposed closure of Attunga Street, Attunga

**COMMITTEE RECOMMENDATION:** the Committee supports the closure of Attunga Street from 2:30pm to 5:00pm on 25 April 2021 for ANZAC Day memorial events.

## 2. West Tamworth – Memorial service

The West Tamworth Rotary Club will hold a memorial service at the Gipps Street War memorial, between Denison Street and Belmore Street, at approximately 6:30am and disperse at approximately 10:00am. Road closures will be implemented at approximately 6:00am to 11:00am.

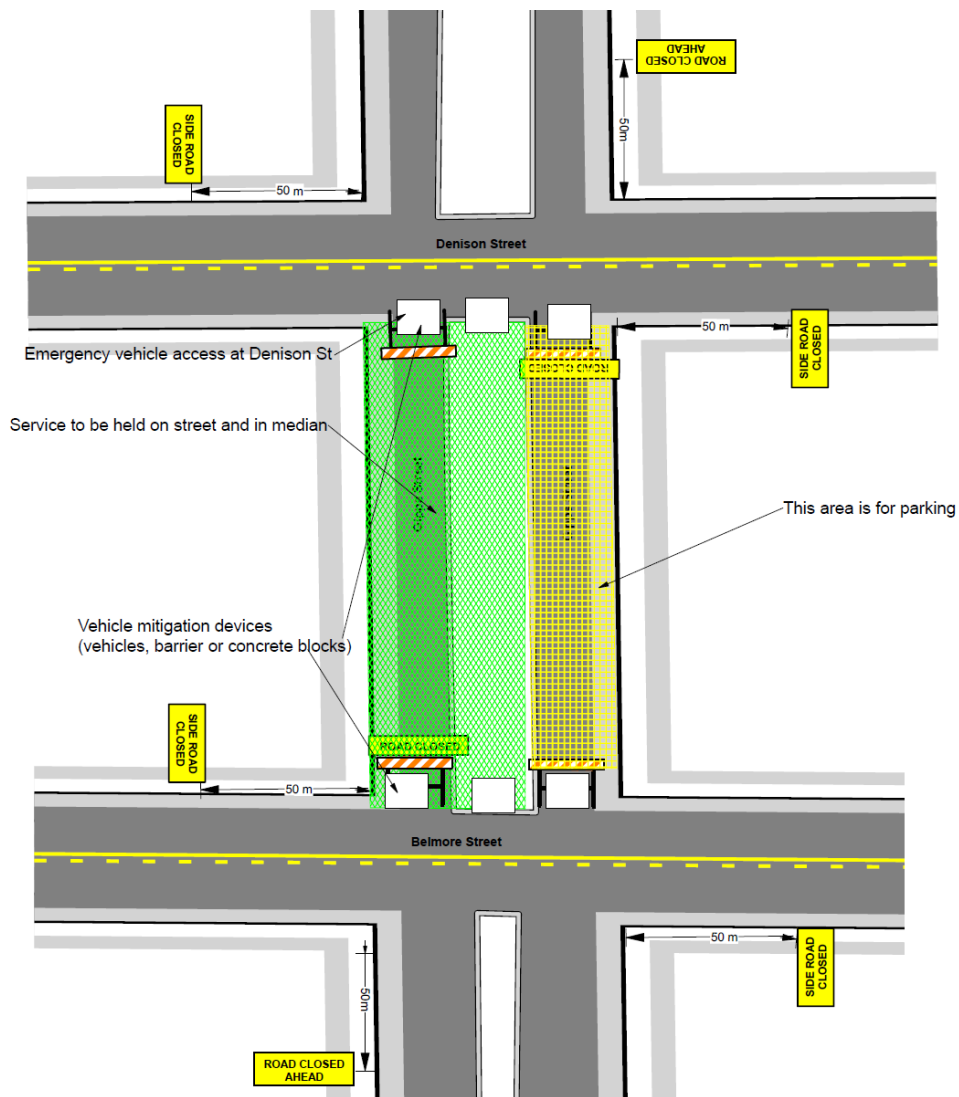


Figure 2. Proposed closure of Gipps Street, West Tamworth

**COMMITTEE RECOMMENDATION:** the Committee supports the closure of Gipps Street between Denison Street and Belmore Streets from 6:00am to 11:00am on 25 April 2021 for ANZAC Day memorial events.

### 3. Tamworth – Dawn Service

The Tamworth RSL will be holding a dawn service on Brisbane Street with a road closure between Upper Street and Napier Street. There will be additional fencing and lighting towers. The road closure will be in place from 4:00am to 6:30am.



Figure 3. Proposed closure of Brisbane Street, Tamworth

**COMMITTEE RECOMMENDATION:** the Committee supports the closure of Brisbane Street between Napier Street and Upper Street from 4:00am to 6:30am on 25 April 2021 for ANZAC Day memorial events.

### 4. Tamworth – Veterans only walk

A walk organised by the Tamworth RSL will take place from Bicentennial Park to the Town Hall via Kable Avenue, White Street, Peel Street and Fitzroy Street. The road closures will be rolling closures with resources provided by Council, Police and some emergency services agencies. The event is expected to take place from 9:00am to 11:00am. The walk duration is expected to be up to half an hour.



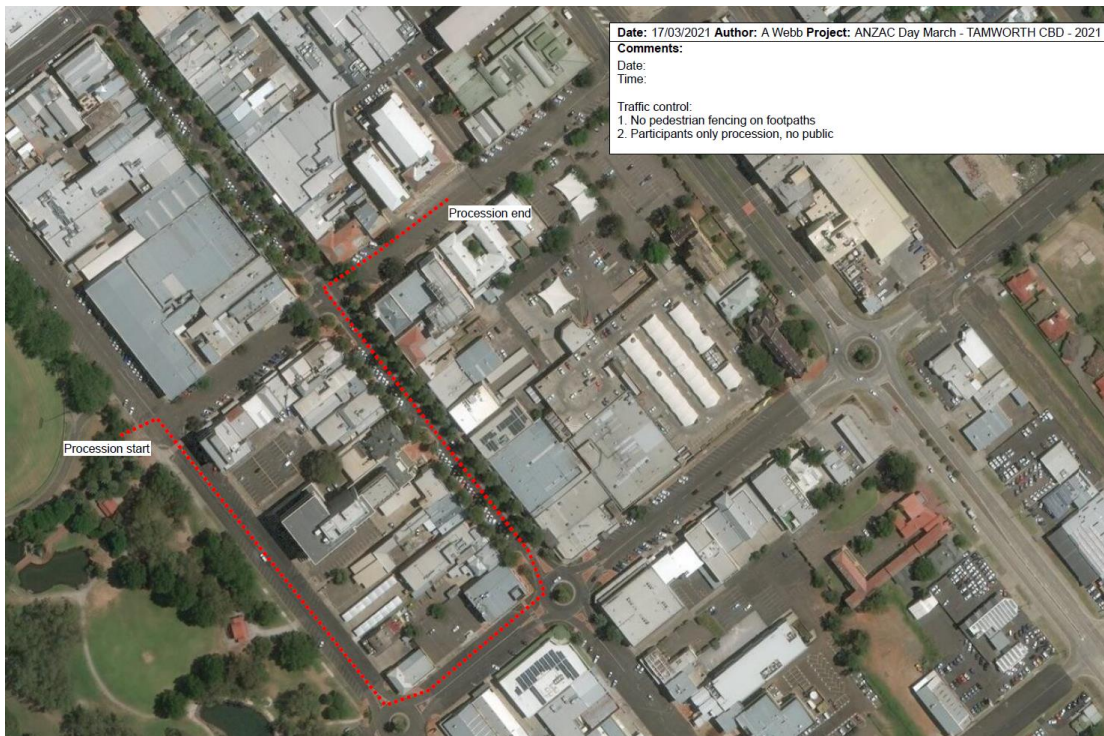


Figure 4. Proposed closure of Kable Avenue, White Street, Peel Street and Fitzroy Street, Tamworth

**COMMITTEE RECOMMENDATION:** the Committee supports the rolling closure of Kable Avenue, White Street, Peel Street and Fitzroy Street for up to half an hour between 9:00am to 11:00am on 25 April 2021 for ANZAC Day memorial events.

## 5. Somerton – Memorial service and march

An ANZAC march and a small service will be conducted in Somerton on 25 April 2021. The march will assemble at the Somerton Public School in Milkmaid Street and will proceed along Scotland Street to arrive at the Somerton War Memorial Hall on the corner of Scotland Street and Joshua Street. Road closures will be in place from 7:00am to 10:00am.

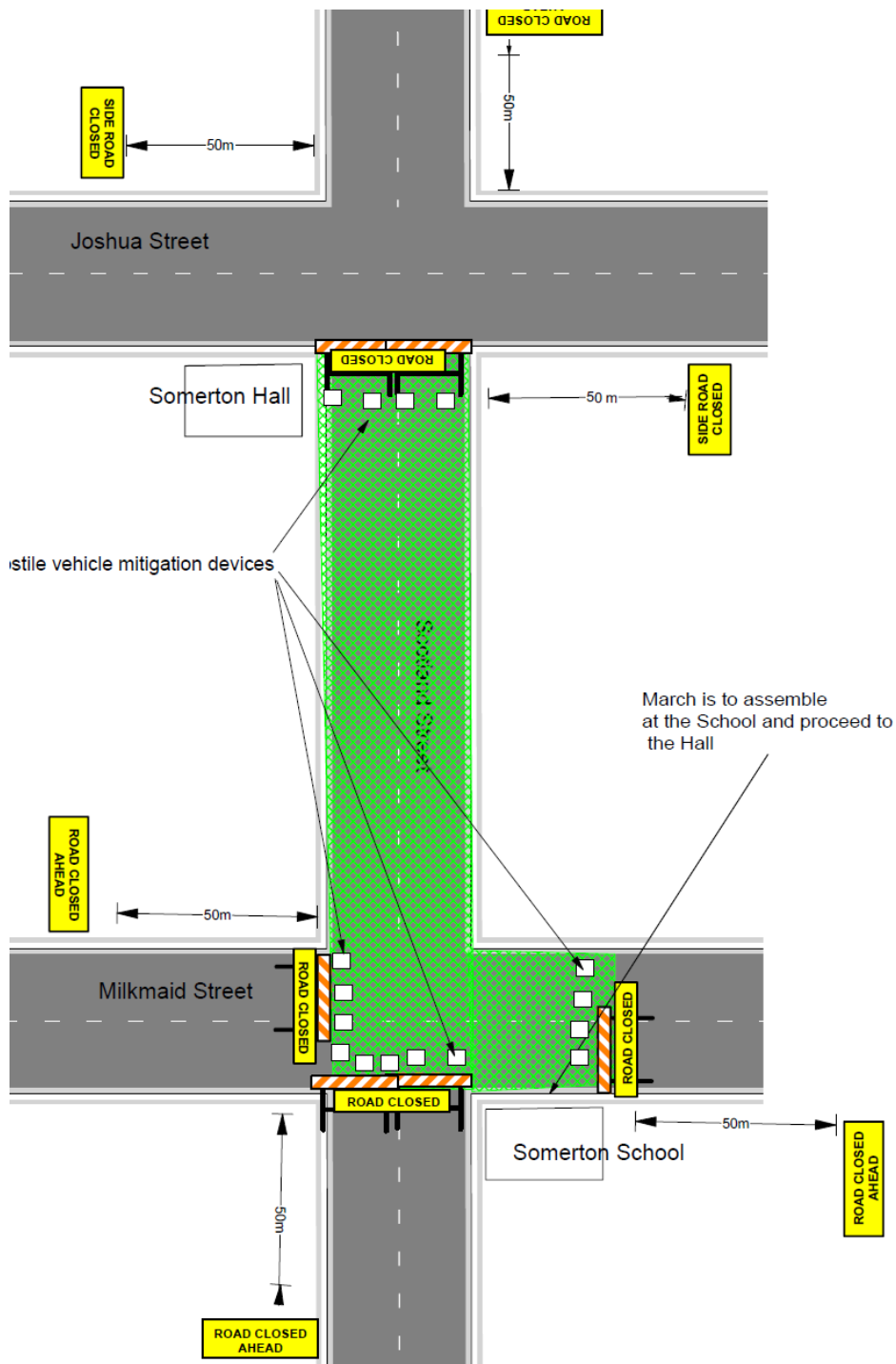


Figure 5. Proposed closure of Milkmaid Street and Scotland Street, Somerton

**COMMITTEE RECOMMENDATION:** the Committee supports the closure of Milkmaid Street and Scotland Street between 7:00am to 10:00am on 25 April 2021 for ANZAC Day memorial events.

## 6. Nundle – Memorial service and march

The Nundle RSL sub branch have advised an event will be held but have not applied for the event nor provided further details regarding their plans. It is assumed the event will be undertaken at the same location and time as per previous years.

This would comprise of the closure of Jenkins Street between Oakenville Street and Innes Street from 11:00am to 1:00pm.

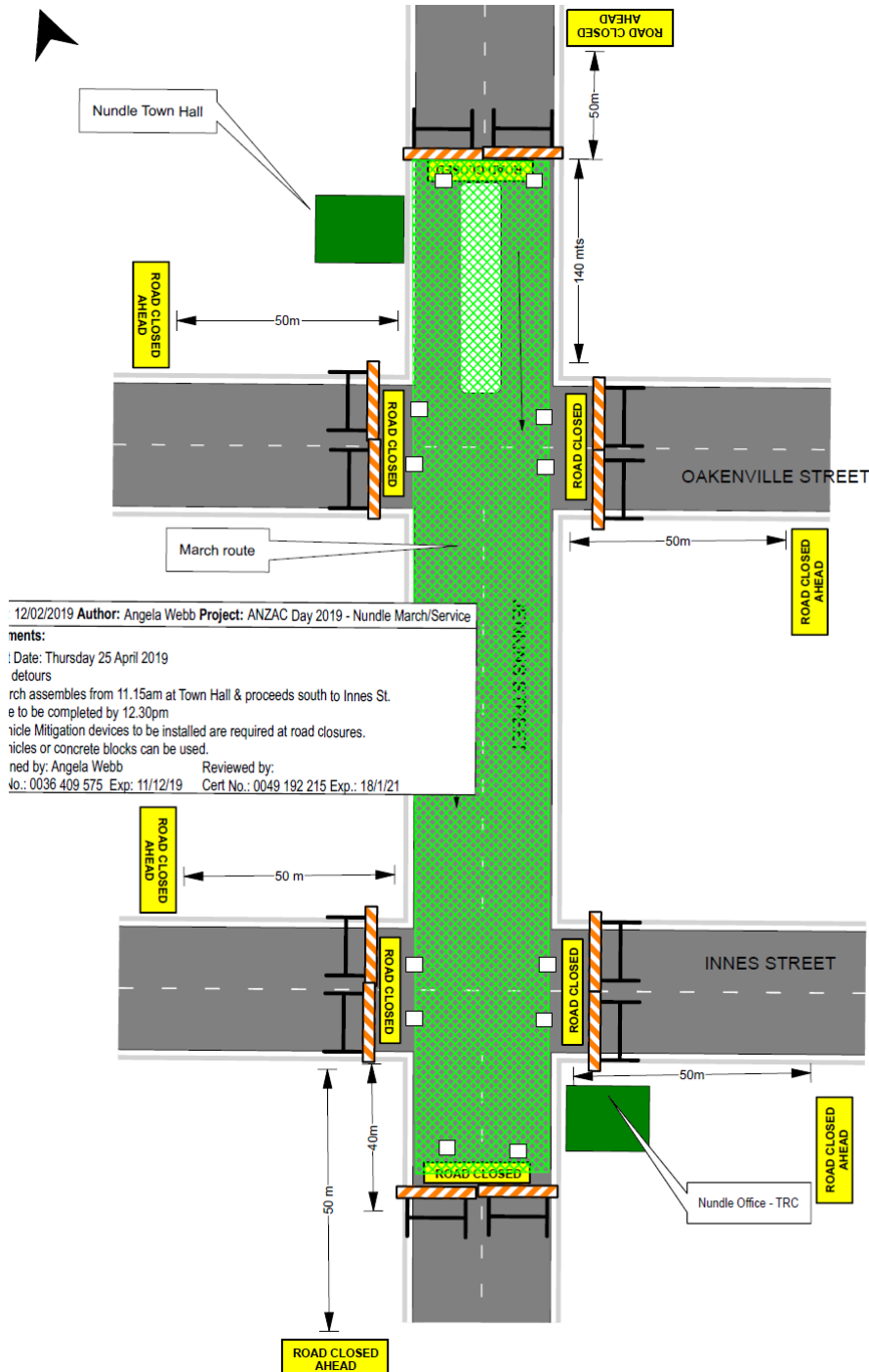


Figure 6. Proposed closure of Jenkins Street, Nundle



**COMMITTEE RECOMMENDATION:** the Committee supports the closure of Jenkins Street between Oakenville Street and Innes Street from 11:00am to 1:00pm on 25 April 2021 for ANZAC Day memorial events.

### 7. Kootingal – Memorial service

The Kootingal Lions Club have indicated a memorial service will be held off road at the memorial on Denman Avenue. The march is not expected to take place due to current COVID restrictions. Should restriction be ease, a march is expected to be undertaken as per previous years, as shown below.

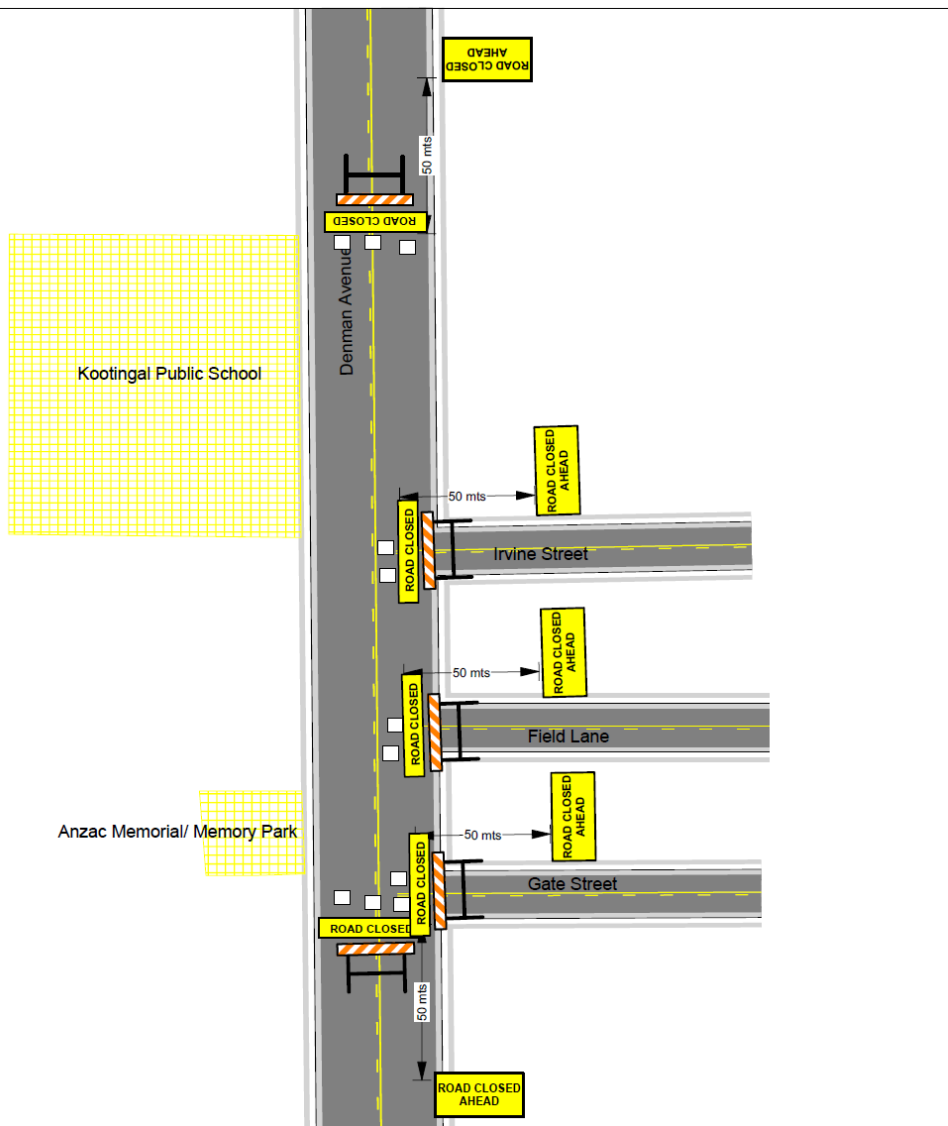


Figure 7. Proposed closure of Denman Avenue, Kootingal

**COMMITTEE RECOMMENDATION:** the Committee supports the closure of Denman Avenue between Kootingal Public School and Gate Street on 25 April 2021 for ANZAC Day memorial events, time to be advised.

### 8. Manilla – Memorial service and march

An event application has not yet been received by Council. It is assumed that if an event goes ahead it will be undertaken at the same location and time as per previous years. This would comprise of the closure of Manilla Street between Market Street and Court Street.

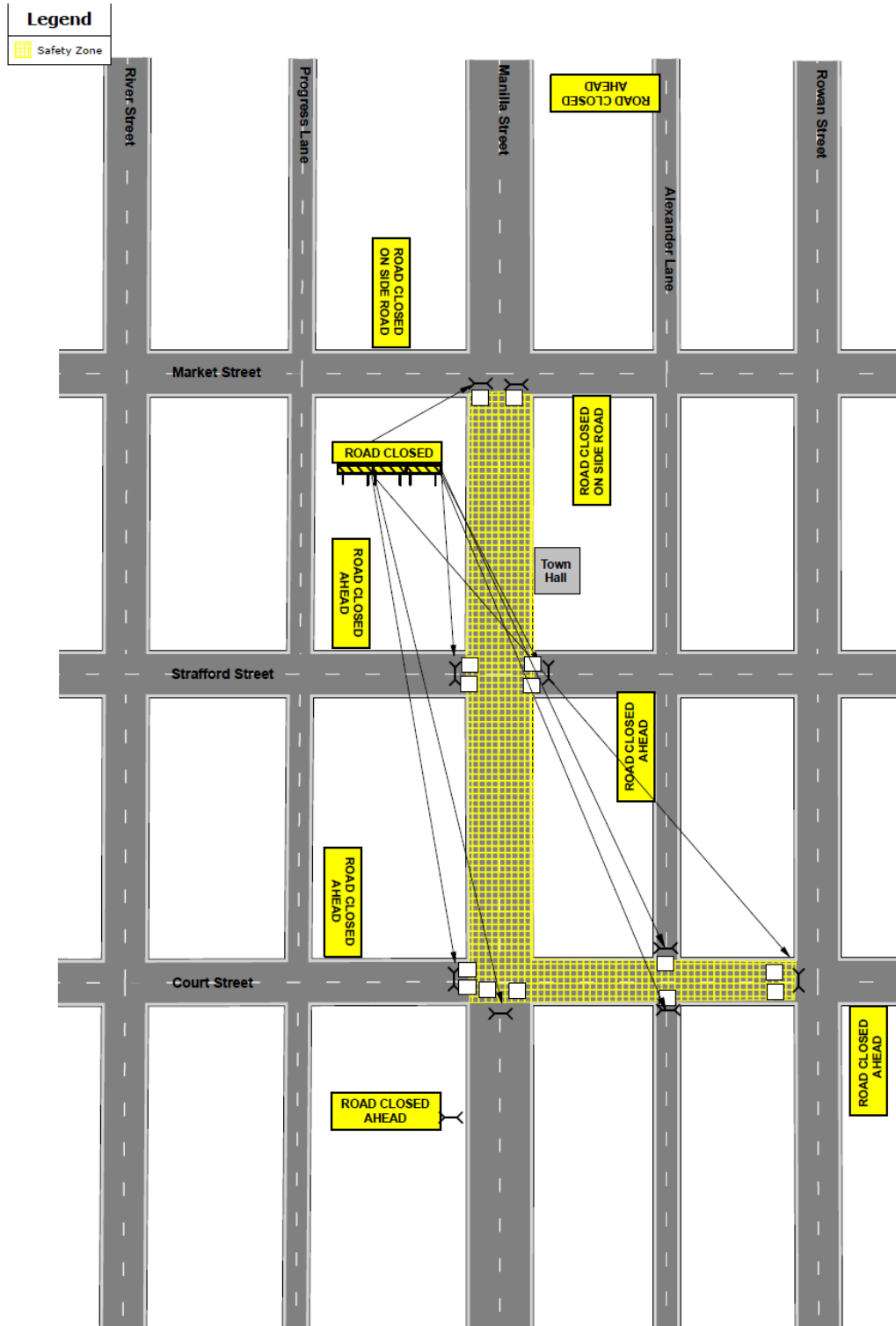


Figure 8. Proposed closure of Manilla Street, Manilla

**COMMITTEE RECOMMENDATION:** the Committee supports the closure of Manilla Street between Market Street and Court Street on 25 April 2021 for ANZAC Day memorial events, time to be advised.

**9. Barraba – Memorial service and march**

An event application has not yet been received by Council. It is assumed that if an event goes ahead it will be undertaken at the same location and time as per previous years. This would comprise of the closure of Queen Street between Maude Street and Edward Street.

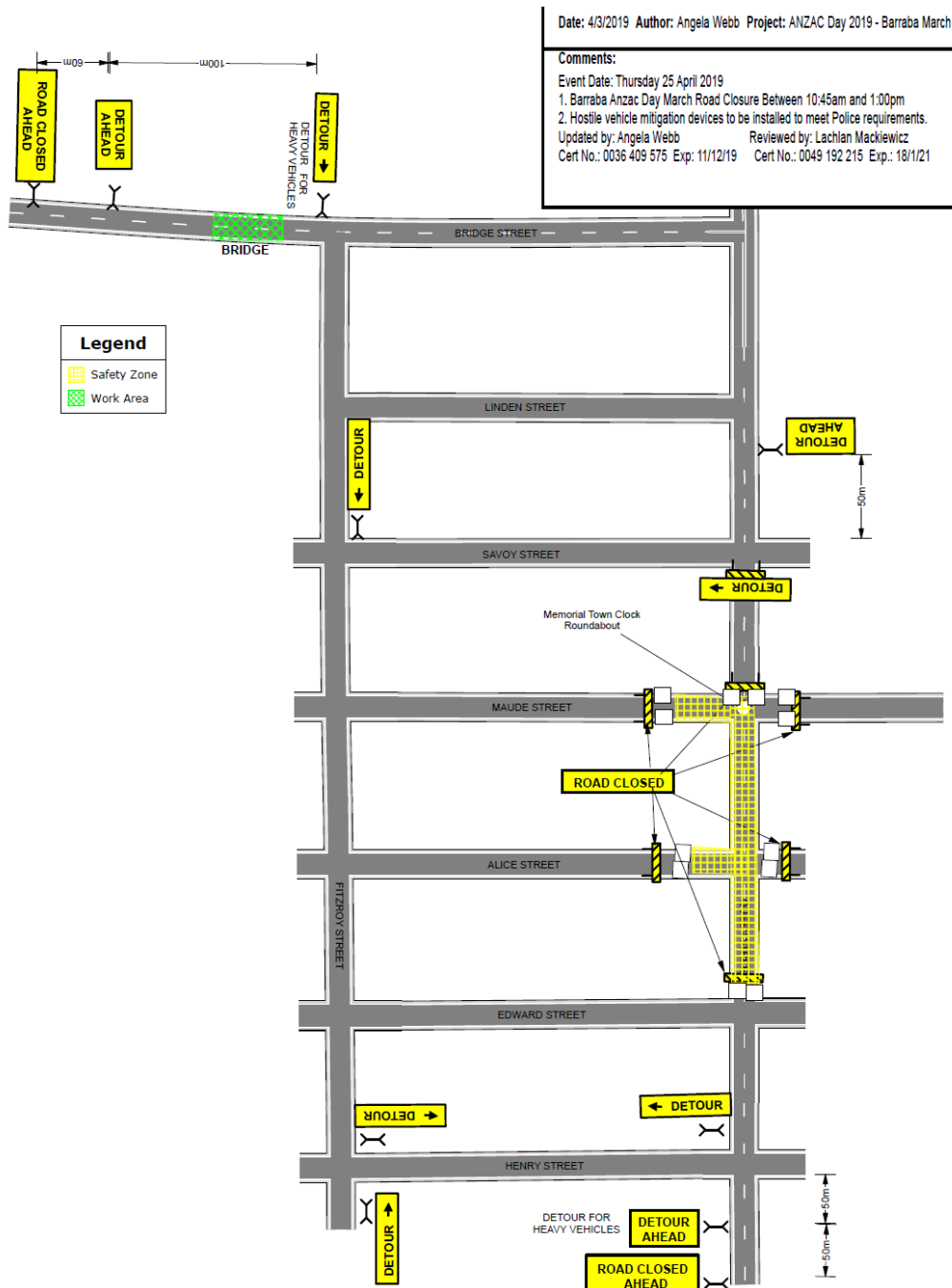


Figure 9. Proposed closure of Queen Street, Barraba

**COMMITTEE RECOMMENDATION:** the Committee supports the closure of Queen Street between Maude Street and Edward Street on 25 April 2021 for ANZAC Day memorial events, time to be advised.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The road closures will be implemented using the existing Infrastructure and Works budgets.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Meetings and onsite inspections for COVID-19 safe planning have been held with the organisers of the Tamworth central business district and Kootingal events.

Phone discussions or email correspondence regarding the events have been exchanged with most other RSL sub branches in the other event locations.

**(e) Delivery Program Objective/Strategy**

An Accessible Region – A23 Traffic Management and traffic safety planning.

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**8.2 IPART'S REVIEW OF WATER NSW'S AND THE WATER ADMINISTRATION MINISTERIAL CORPORATION'S BULK WATER CHARGES TO 30 JUNE 2025**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Bruce Logan, Director Water and Waste

**6 ANNEXURES ATTACHED**

**RECOMMENDATION**

*That in relation to the report “IPART’s Review of Water NSW’s and the Water Administration Ministerial Corporation’s Bulk Water Charges to 30 June 2025”, Council prepare a submission to IPART on its draft determination which generally includes:*

- (i) Council welcomes the general reduction in charges levied by the Water Administration Ministerial Corporation (WAMC);*
  - (ii) the increase in prices in the draft determination for Water NSW charges is outrageous. No government owned corporation should be able to increase charges by these levels in a single year;*
  - (iii) the Independent Pricing and Regulatory Tribunal (IPART) should reconsider the capacity of users in the Peel to pay increased costs when evidence demonstrates that the cost of water in the Peel has risen by far greater than CPI for at least the last 15 years. There is limited capacity for consumers to just keep paying more and more for the same commodity;*
-

- (iv) *the cost to residential consumers in Tamworth, Moonbi and Kootingal, if the whole increase as suggested in the draft determination is passed on in total by Council, will be \$14.84 for a consumer who in 2021-2022 consumes the average volume of water consumed by residences over the last 5 years;*
- (v) *if IPART and the NSW Government are determined to adopt the charges as detailed in the draft determination, then the Water NSW charge increases should be capped and the total increase introduced over a number of years;*
- (vi) *under the draft determination, the cost of raw water in the Peel for High Security license holders will remain almost double the next highest priced valley in the Murray Darling Basin. Council continues to struggle with this huge inequity in pricing across the state, which is not of its making. Council strongly believes the cost of raw water should not be a financial burden for the people of Tamworth, Moonbi and Kootingal and Peel Valley Irrigators. It certainly isn't a burden for consumers in the Murrumbidgee where the cost for the same volume of high security water would be 10 times less than in the Peel;*
- (vii) *the cost of water from Council's own Dungowan Dam under the draft determination will be \$5.25 per Megalitre, yet water from the state-owned Chaffey Dam will be \$253.55 per Megalitre. Notwithstanding, Council has costs associated with the ownership and operation of Dungowan Dam the huge difference in costs needs further investigation and justification;*
- (viii) *Council has long been campaigning against the extraordinarily high cost of raw water in the Peel compared to other valleys in the Murray Darling Basin. To this end, Council has repeatedly called for postage stamp pricing for bulk water within NSW. Council makes the following points in support of postage stamp pricing:*

  - in the case of supplementary or off allocation flows, where water flows from one valley into another, there is some debate about the charges levied for that water if it is intercepted by a user in a valley that is not the valley the water originated from. For example, if flow in the Peel River results in supplementary or off allocation flows in the Namoi, the Namoi irrigators pay to intercept this water at the Namoi valley costs, even though if the water had been intercepted in the Peel the price to intercept would have been double. Postage stamp pricing does away with this issue;*
  - water shepherding rules. In a similar manner to the point above, in the event environmental flows are released from one valley for the purposes of addressing environmental concerns in a downstream valley, how much does the environmental water holder pay for that water. Is it the cost associated with the valley it was released from or the cost associated with the valley it ends up in. Postage stamp pricing would address this issue;*
  - legacy issues. The cost of supplying raw water in some valleys is higher because of decisions made by governments before the notion of 'users pays' was conceived. For example, in the Namoi Valley two dams were constructed, Keepit and Split Rock. With the benefit of hindsight, and the desire for users pays, it may have been better to construct one larger dam rather than two. In doing so, the cost of raw water in the Namoi could have been reduced because no one argues that the operating cost of two separate smaller dams is higher than one larger dam. Present day users who are required to pay for raw water at costs which*

*reflect the cost of operating two dams, or in the case of the Peel, one relatively small storage, were not consulted at the time the decision was made, or able to consider the decision to build the second dam/smaller storage in terms of increased ongoing costs;*

- *Council supports requiring monopoly suppliers to provide detailed cost break ups associated with the delivery of bulk water in a particular valley. This can help identify inefficiencies or unnecessary waste. However, Council contends there is no reason why, having calculated the cost of the service in each valley, these costs could not be aggregated and divided by the total amount of water delivered across the state to determine the postage stamp price; and*
- *to date, IPART has repeatedly rejected postage stamp pricing for a variety of reasons. Yet in the same draft determination by IPART in relation to charges levied by WAMC, IPART has accepted charges that will see all groundwater customers in the Murray Darling Basin (excluding the Murrumbidgee Valley) pay the same access and usage charges for groundwater, regardless of location. To Council, this seems to be almost a postage stamp price for groundwater across NSW. If postage stamp pricing is able to be applied for groundwater, Council is asking why the same justification can't be applied to surface water, and questioning whether the reasons provided for rejecting postage stamp pricing for surface water previously are actually valid.*

## **SUMMARY**

The NSW Independent Pricing and Regulatory Tribunal (IPART) has released its draft determination for the charges Water NSW and the Water Administration Ministerial Corporation (WAMC) will levy for bulk water across NSW for four years commencing 1 July 2021.

The purpose of this report is to seek direction as to whether Council would like to make a submission to IPART in relation to the draft determination.

## **COMMENTARY**

There are 2 Government entities or agencies responsible for the delivery of bulk water to customers in NSW:

- Water NSW owns and operates the dams and other assets that collect and store bulk water in NSW and provide services to bulk water customers; and
- WAMC is the entity responsible for water resource management in NSW. This includes developing plans for sharing water between users and the environment, administering water licences and allocations, and ensuring compliance with water laws and licences. WAMC is comprised of various divisions within the Department of Planning, Industry and Environment and the Natural Resource Access Regulator.

The charges levied by Water NSW and WAMC are regulated by IPART. Reviews are undertaken by IPART, usually on a four-year rotation, with the latest review currently underway for the period 1 July 2021 to 30 June 2025. IPART recommends the maximum charges that can be levied by the two entities and the NSW Government has the option of not applying the full increases, but to date has not elected to do so. Once IPART makes its final determination,

Water NSW and WAMC will levy the charges, as determined by IPART, failing any intervention from Government, for four financial years beginning in 1 July 2021.

IPART bulk water pricing reviews usually follow a similar process. IPART announces the review, releases an issues paper and calls for submissions in relation to the issues paper. IPART then hands down a draft determination and calls for submissions on the draft determination. Following consideration of any submissions, IPART hands down its final determination.

The latest review into the charges levied by Water NSW and WAMC was announced in 28 July 2020, and an issues paper was released on 15 September 2020. IPART's draft determination was released on 16 March 2021, with public submissions closing on 16 April 2021. The Executive Summaries from each review are **ATTACHED**, refer **ANNEXURES 1 and 2**.

Water NSW levies charges on water sourced from regulated rivers only, whilst WAMC levies charges from regulated and unregulated rivers and all groundwater.

Various towns and villages across the Council area access water for a variety of uses and from a variety of sources. A document that details the entitlements held by Council in both surface and groundwater, regulated and unregulated supplies, the amount used from each entitlement on average each year and the estimated amount Council will pay in 2020-2021, to one, or both, Water NSW and WAMC for access to that water, is **ATTACHED**, refer **ANNEXURE 3**.

Annexure 4 shows the prices Council will pay for water at various centres following the release of IPART's draft determination, assuming the prices included in the draft determination are ultimately imposed, compares that to prices paid in 2020-2021 and calculates percentage increase. This document is **ATTACHED**, refer **ANNEXURE 4**.

The annexure also shows:

- prices for unregulated rivers and groundwater will generally fall under the draft determination; and
- prices for regulated rivers will increase substantially:
  - Barraba – 48% increase (45% increase across all sources);
  - Manilla – 49.7% increase (31.5% increase over all sources); and
  - Tamworth – 40% increase (38% increase over all sources).
- as for centres that do not take water from a regulated river:
  - Nundle – 11% decrease overall;
  - Bendemeer – 27% decrease overall; and
  - Attunga – 12% decrease.
- for Tamworth, Moonbi and Kootingal:
  - the charges for water sourced from Chaffey Dam in 2021-2022 will be \$1,260,113 – a 40% increase on the charges in 2020-2021 of \$900,078;
  - the cost of water sourced from Dungowan Dam will reduce;
  - the cost per megalitre of water sourced from Chaffey Dam in 2021-2022 – assuming the average annual consumption of 4,974ML will be **\$253.33/ML**; and



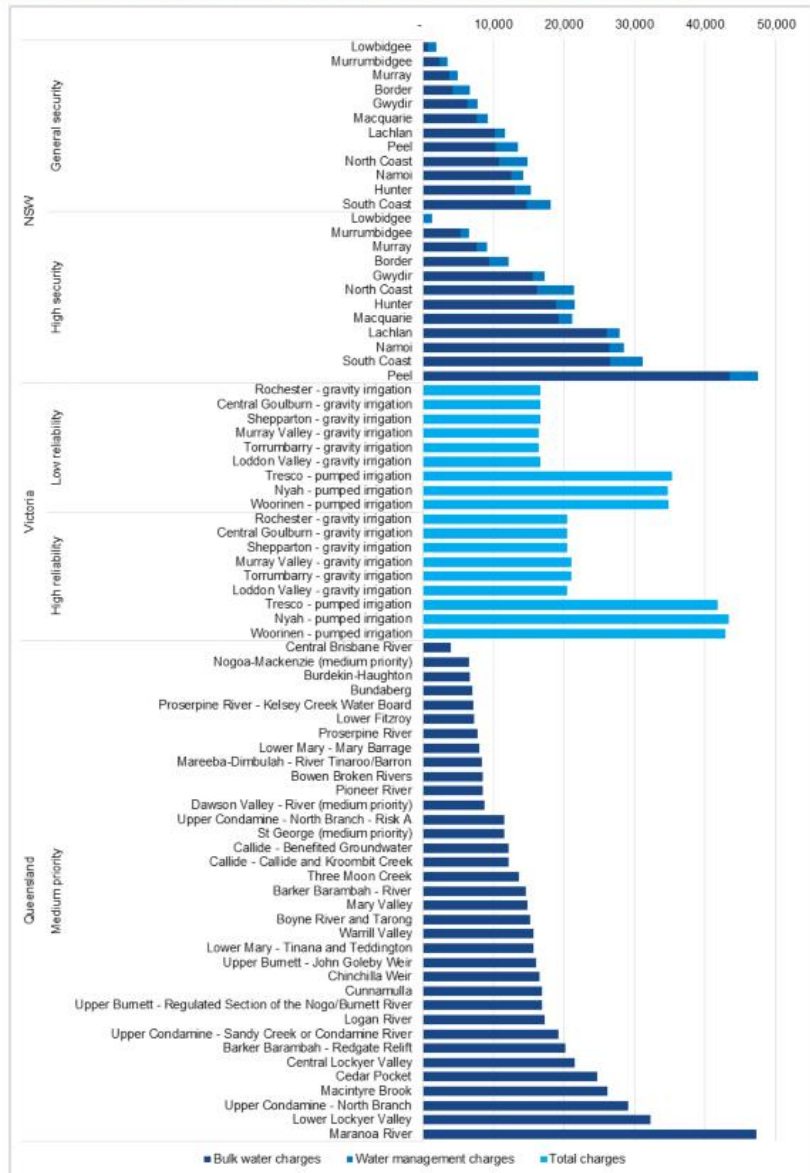
- compare that price with the cost per megalitre of water sourced from Council's Dungowan Dam in 2021-2022, assuming the average annual consumption of 3,311ML will be **\$5.25/ML**.

As part of their public consultation, IPART held a one-on-one interview with the Director - Water and Waste to discuss the draft determination. Following that discussion, and with reference to the draft determination report/s, the following points are considered valid:

- almost all of the increases can be attributed to increases in Water NSW charges;
- Water NSW in their submission to IPART claim that without a substantial increase in income, the condition of assets maintained by Water NSW will deteriorate;
- an independent assessment undertaken by IPART supports this view;
- Water NSW charges were actually lowered in the last 4-year review, although most of the benefit to Council from this reduction was lost because IPART also changed the split-up of fixed to usage charges (against Council's wishes) in the Peel Valley and this adverse effect reduced most of the positive effect of the reduction in charges;
- given the increase in charges in the Peel is 40%, this would suggest that Water NSW costs have increased by 10% over the annual inflation figure in each of the last 4 years. IPART was asked how does Water NSW justify this increase when Council, as an owner of significant assets, has not seen this level of cost increase. IPART's response was that Water NSW were under-recovering in the previous 4-year determination;
- the new Chaffey Dam pipeline is not included in the list of assets maintained by Water NSW in the Peel Valley in the current determination, and barring a request to IPART to undertake an interim reassessment, the cost to operate and maintain the Chaffey Dam Pipeline will be borne by Water NSW for the next 4 years;
- IPART was asked if capacity to pay was a consideration when considering the significant price rises proposed, particularly for irrigators who may not be able to absorb or pass on the increased costs to consumers. IPART's response was that it does consider capacity to pay and based on its analysis, there is still capacity to pay the increased charges;
- IPART are not proposing to change the present fixed to usage split up in the Peel Valley;
- IPART continue to support users pay charges. When considering the discrepancy between the total charges paid by Council in the Peel, versus what the same volume of water would cost from other valleys in Western NSW, including that the cost of same water in the Murrumbidgee is 10 times less than it is on the Peel, IPART rejected any idea of postage stamp pricing. This is detailed in the **ATTACHED** document, refer **ANNEXURE 5**;
- IPART's analysis suggests that bills under the draft determination are in line with prices paid by irrigators in Victoria and Queensland - see figure 12.7 below;
- figure 12.7 also shows that bills paid by high security customers in the Peel Valley (which includes Council) are the highest across all 3 states with the possible exception of the Maranoa Valley in QLD; and
- the suggested increases in price under the draft determination are up to 45% for water sourced in some Council communities as of 1 July 2021. IPART was advised that Council would never contemplate a one-off increase of anything like this magnitude, for its customers/ratepayers, and if this level of increase was considered necessary then Council would consider raising the charges over a period of time. IPART was asked if

it could recommend staged price increases over time. IPART’s reply was it does not have any powers to place charges on a glide path like that, but they are investigating a staged increase.

Figure 12.7 Rural bulk water and water management charges (\$2021-22)



Note: We have applied an inflation rate of 2.5% to current prices (i.e. 2020-21) in Victoria and Queensland to convert bills into \$2021-22.

Data source: Goulburn-Murray Water, Pricing Simulators, accessed 18 February 2021; Queensland, Extraordinary Queensland Government Gazette, No. 57, 26 June 2020 and IPART analysis.

Looking at Tamworth, Moonbi and Kootingal, if the draft determination price rises are passed on in full then the cost to consumers in those areas can be calculated as follows:

<ul style="list-style-type: none"> <li>Council’s average income from annual water charges (service availability charges) over the last 5 years</li> </ul>	\$6.78M
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• Fixed bulk water charges in 20-21 (Water NSW and WAMC)	\$778,016
• Fixed bulk water charges in 21-22 (Water NSW and WAMC) under the draft determination	\$1,108,804
• Increase in fixed charges 21-22 to 20-21	\$330,788
• % increased in annual fixed charges 21-22 to 20-21	4.88%
• 20-21 Service availability charges – 20 mm meter	\$283
• <b>4.88% increase in service availability charge</b>	<b>\$13.81</b>
• Council's average annual income from consumption charges over the last 5 years	\$12.26M
• Usage charges for bulk water in 20-21 (Water NSW and WAMC) assuming average annual consumption from Chaffey Dam	\$122,062
• Usage charges for bulk water in 21-22 (Water NSW and WAMC) assuming average annual consumption from Chaffey Dam under the draft determination	\$151,309
• Increase in usage charges 21-22 to 20-21	\$29,247
• % increased in usage charges 21-22 to 20-21	0.24%
• Average annual residential consumption last 5 years	267 KL
• Cost of average residential consumption at 20-21 consumption charges	\$429.87
• <b>0.24% increase in cost of residential consumption</b>	<b>\$1.03</b>
<b>Total increase in residential charge (fixed and usage) under the 21-22 draft determination</b>	<b>\$14.84</b>

Should Council prepare a submission, then it is suggested the following issues should be included in that submission:

- Council welcomes the general reduction in charges levied by the WAMC, however, the increase in prices in the draft determination for Water NSW charges is outrageous. No government owned corporation should be able to increase charges by these levels in a single year;

- IPART should reconsider the capacity of the users in Peel to pay increased costs when evidence demonstrates that the cost of water in the Peel has risen by far greater than CPI for at least the last 15 years. This information is **ATTACHED**, refer **ANNEXURE 6**. There is limited capacity for consumers to just keep paying more and more for the same commodity;
- the additional cost to residential consumers in Tamworth, Moonbi and Kootingal, if the whole increase as suggested in the draft determination is passed on in total by Council, will be \$14.84 for a consumer who consumes the average volume of water consumed by residences over the last 5 years in 21-22;
- if IPART and the NSW Government are determined to adopt the charges as detailed in the draft determination, then the Water NSW charge increases should be capped and the total increase introduced over a number of years;
- under the draft determination, the cost of raw water in the Peel for High Security license holders will remain almost double the next highest priced valley in the Murray Darling Basin. Council continues to struggle with this huge inequity in pricing across the state, which is not of its making. Council strongly believes that the cost of raw water should not be a financial burden for the people of Tamworth and Peel Valley Irrigators. It certainly isn't a burden for consumers in the Murrumbidgee where the cost of the same volume of high security water would be 10 times less than in the Peel;
- the cost of water from Council's own Dungowan Dam under the draft determination will be \$5.25 per Megalitre, yet water from the state-owned Chaffey Dam will be \$253.55 per Megalitre. Notwithstanding, Council has costs associated with the ownership and operation of Dungowan Dam the huge difference in cost needs further investigation and justification;
- Council has long been campaigning against the extraordinarily high cost of raw water in the Peel compared to other valleys in the Murray Darling Basin. To this end, Council has repeatedly called for postage stamp pricing for bulk water within NSW. Council makes the following points in support of postage stamp pricing:
  - in the case of supplementary or off allocation flows, where water flows from one valley into another, there is some debate about the charges levied for that water if it is intercepted by a user in a valley that is not the valley the water originated from. For example, if flow in the Peel River results in supplementary or off allocation flows in the Namoi, the Namoi irrigators pay to intercept this water at the Namoi valley costs, even though if the water had been intercepted in the Peel the price to intercept would have been double. Postage stamp pricing does away with this issue;
  - water shepherding rules. In a similar manner to the point above, in the event environmental flows are released from one valley for the purposes of addressing environmental concerns in a downstream valley, how much does the environmental water holder pay for that water. Is it the cost associated with the valley it was released from or the cost associated with the valley it ends up in. Postage stamp pricing would address this issue;
  - legacy issues. The cost of supplying raw water in some valleys is higher because of decisions made by governments before the notion of users pays was conceived. For example, in the Namoi Valley two dams were constructed, Keepit and Split Rock. With the benefit of hindsight, and the desire for users pays, it may have been better to construct one larger dam

rather than two. In so doing the cost of raw water in the Namoi could have been reduced because no one argues that the operating cost of two separate smaller dams is higher than one larger dam. Present day users who are required to pay for raw water at costs which reflect the cost of operating two dams, or in the case of the Peel, one relatively small storage, were not consulted at the time the decision was made, or able to consider the decision to build the second dam/smaller storage in terms of increased ongoing costs;

- Council supports requiring monopoly suppliers to provide detailed cost break-ups associated with the delivery of bulk water in a particular valley. This can help identify inefficiency's or unnecessary waste. However, Council contends there is no reason why, having calculated the cost of the service in each valley, these costs could not be aggregated and divided by the total amount of water delivered across the state to determine the postage stamp price; and
- to date, IPART has repeatedly rejected postage stamp pricing for a variety of reasons. Yet in the same draft determination by IPART in relation to charges levied by WAMC, IPART has accepted charges that will see all groundwater customers in the Murray Darling Basin (excluding the Murrumbidgee Valley) pay the same access and usage charges for groundwater, regardless of location. To Council, this seems to be almost a postage stamp price for groundwater across NSW. If postage stamp pricing is able to be applied for groundwater, Council is asking why the same justification can't be applied to surface water, and questioning whether the reasons provided for rejecting postage stamp pricing for surface water previously are actually valid.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Based on IPART's draft determination, the cost to Council to provide water to its customers over the 6 water supply schemes will rise to \$1,310,867 (assuming average annual volumes are accessed from each source) from \$946,247 - an increase of 38.2%. Most of that increase is because of increases in charges levied by Water NSW in regulated streams. As an example, the cost to access water from Chaffey Dam will rise by 40% under the draft determination from \$900,078 to \$1,260,113.

Should this increase be included in the final determination by IPART, Council will have to consider whether it can afford not to pass this increase onto consumers and the level of increase, if any, in water fees and charges

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

A Region for the Future – F22 Encourage efficient use of resources to improve environmental sustainability

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### 8.3 BOUNDARY ADJUSTMENT - CALALA LANE SEWER PUMP STATION

DIRECTORATE: WATER AND WASTE  
AUTHOR: Bruce Logan, Director Water and Waste

**2 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Boundary Adjustment - Calala Lane Sewer Pump Station”, Council agree to the proposed boundary adjustment of Lot 1 DP 629589 and Lot 22 DP 1111432 to allow the augmentation of the Calala Lane Sewer Pump station.*

#### **SUMMARY**

The purpose of this report is to seek approval from Council for a boundary adjustment of land presently owned by Council to allow the augmentation of the Calala Lane Sewer Pump Station.

#### **COMMENTARY**

At its meeting of 10 June 2014, Council considered a report relating to the possible purchase of Lot 22 DP1111432 at Calala which surrounds the site of Council’s Calala Lane Sewer Pump station. Site plan is **ATTACHED**, refer **ANNEXURE 1**. At the time, purchase of the site was recommended as the sewer pump station was to be augmented in the future and the site was not large enough to accommodate the necessary augmentation. Council agreed to the purchase of the property.

Before commencing the augmentation of the Calala Lane Sewer Pump Station, a boundary adjustment is required to increase the size of Lot 1 DP 629589 (the lot containing the sewer pump station) to provide more room for the augmentation, with an associated reduction in the size of Lot 22 DP 1111432. A plan of the proposed new boundaries of Lot 1 DP 629589 is **ATTACHED**, refer **ANNEXURE 2**.

Once the boundary adjustment has been completed, Council will be able to consider whether continued ownership of Lot 22 DP 1111432 is appropriate and, if not, options for its disposal.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The cost to complete the boundary adjustment is approximately \$7,000. Funds are available within the current budget for this work.

**(c) Legal Implications**

Only Council can agree to a boundary adjustment of property owned by Council.

**(d) Community Consultation**

Nil



**(e) Delivery Program Objective/Strategy**

A Region for the Future – F22 Encourage efficient use of resources to improve environmental sustainability.

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**8.4 CONTINUED ACCEPTANCE OF MIXED WASTE ORGANIC OUTPUT AT COUNCIL'S FOREST ROAD LANDFILL**

**DIRECTORATE: WATER AND WASTE**  
**AUTHOR: Bruce Logan, Director Water and Waste**

**RECOMMENDATION**

*That in relation to the report “Continued acceptance of Mixed Waste Organic Output at Council’s Forest Road Landfill”, Council:*

- (i) continue to accept Mixed Waste Organic Output from Coffs Harbour City Council at Council’s Forest Road Landfill, at least until ongoing negotiations between Council and Coffs Harbour City Council, with regard to kerbside recyclable processing, have been concluded; and*
- (ii) request that the Director - Water and Waste present another report to Council in relation to this matter once negotiations have concluded.*

**SUMMARY**

The purpose of this report is for Council to consider a request from Coffs Harbour City Council to allow the continued delivery of Mixed Waste Organic Output (MWO) to Council’s Forest Road Landfill past the previous deadline of 31 March 2021.

**COMMENTARY**

At its meeting of 1 December 2020, Council considered a report in relation to the ongoing delivery of MWO from Coffs Harbour to Council’s Forest Road Landfill. Following consideration of the report, Council resolved as follows:

*That in relation to the report “Mixed Waste Organics Material Agreement Receival Update”, Council note the Agreement between Biomass Solutions (Coffs Harbour) and Tamworth Regional Council for the acceptance and disposal of Mixed Waste Organic Output to Forest Road Landfill will end no later than 31 March 2021.*

The report included that Coffs Harbour City Council (CHCC) has taken ownership of the MWO product from Biomass Solutions.

Tamworth Regional Council and CHCC are presently negotiating in relation to the processing of kerbside recyclables collected from Tamworth Regional Council communities after 30 June 2021. These negotiations include the possibility of Council continuing to accept MWO at the Forest Road Landfill into the future. Whilst those negotiations are underway, CHCC has requested that Council allow the continued delivery of MWO waste to the Forest Road Landfill, past the previous 31 March 2021 deadline.

Negotiations are expected to be completed in the near future and on this basis, it is considered the request from Coffs Harbour City Council is reasonable.



**(a) Policy Implications**

Nil

**(b) Financial Implications**

Should Council agree to allow further delivery of MWOO past 31 March 2021, Coffs Harbour City Council will be charged disposal costs in accordance with Council's current Fees and Charges.

**(c) Legal Implications**

An Agreement drawn up between the parties in regard to the acceptance of MWOO remains current.

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

A Region for the Future – F22 Encourage efficient use of resources to improve environmental sustainability

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## **9 GOVERNANCE, STRATEGY AND FINANCE**

### **9.1 TAMWORTH REGIONAL COUNCIL - PROPOSED 2021/22 FEES AND CHARGES**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Lauren McPherson, Senior Accountant

**3 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Tamworth Regional Council – Proposed 2021-2022 Fees and Charges”, Council approve in principle the fees and charges proposed for the 2021-2022 financial year as per the attached documents for inclusion in the draft 2021-2022 Annual Operational Plan:*

#### **SUMMARY**

The purpose of this report is to present to Council the proposed 2021-2022 Fees and Charges, and to obtain approval in principle in advance of preparing the draft 2021-2022 Annual Operational Plan (AOP). The proposed 2021-2022 documents **ATTACHED**, refer:

- **ANNEXURE 1** - Tamworth Regional Council – Draft Fees and Charges 2021-2022;
- **ANNEXURE 2** - Tamworth Regional Council – Draft Discontinued Fees and Charges 2021-2022; and
- **ANNEXURE 3** - Tamworth Regional Council – Draft New Fees and Charges 2021-2022.

#### **COMMENTARY**

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Under the Integrated Planning and Reporting (IP&R) Framework, Council is required to prepare a number of documents to facilitate integration of long-term planning and implementation of Council activities. An AOP must be developed each year for adoption of the actions, budget and revenue policy proposed for the next financial year. This requires several months of preparation, at least 28 days of public exhibition, and further time to consider public submissions before final adoption. Accordingly, it is usually late April before the draft AOP is ready and late June before the final plan is adopted.

For many businesses the fees and charges set by Council can have an impact that needs to be incorporated into their own planning for the forthcoming year. While the IP&R framework requires that all sections of the AOP must be adopted as part of the one process, an advance approval in principle of the fees and charges can allow a timely indication of they are anticipated to be.

It is planned to have the draft 2021-2022 AOP ready for adoption by Council for public exhibition at the Council meeting to be held 27 April 2021. The draft Revenue Policy will be included at that time, which will detail the proposed rates, annual charges and water and sewerage usage charges.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Nil

**(c) Legal Implications**

Section 610F(2) of the *Local Government Act 1993*, requires that public notice of proposed fees must be given in accordance with Section 405 in the draft Annual Operational Plan for the forthcoming financial year.

**(d) Community Consultation**

Community consultation and feedback will be undertaken in May 2021 with the 2021-2022 Annual Operational Plan.

**(e) Delivery Program Objective/Strategy**

A Region of Progressive Leadership – L21 Transparency and accountability of government.

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## **9.2 FUNDING OFFER PHASE TWO NSW SHOWGROUNDS STIMULUS PROGRAM**

**DIRECTORATE: GROWTH AND PROSPERITY**

**AUTHOR: Mike Rowland, Manager – AELEC Precinct**

**1 ANNEXURES ATTACHED**

### **RECOMMENDATION**

***That in relation to the report “Funding Offer Phase Two NSW Showgrounds Stimulus Program”, Council authorise the affixing of the Seal of Council to this Deed.***

## **SUMMARY**

This recommendation is provided to allow for the receipt of grant funding from the NSW Government by approving to affix the Council Seal, to a document described as a Funding Deed.

## **COMMENTARY**

In a letter dated 10 March 2021, the New South Wales Government have offered grant funding to Council, under phase two of the Showgrounds Stimulus Program. Totalling \$34,952.50 (inc. GST) the amount is the full cost toward replacing existing portable grandstands that are unsafe and beyond repair, with trailer mounted mobile grandstands.

This offer can be accepted through signing and returning the Funding Deed **ATTACHED**, refer **ANNEXURE 1**. As this document is described as a Deed, Council are required to approve the use of the Seal of Council.

### **(a) Policy Implications**

Nil

### **(b) Financial Implications**

Upon signature of the Deed, after affixing the Council Seal, the relevant records will be created to receive the funding amount of \$34,952.50 (inc. GST) and record expenditure against this income.

### **(c) Legal Implications**

Any Deed will require the Seal of Council to be affixed.

The Local Government (General) Regulation 2005, section 400(4), requires that the Seal of Council must not be affixed to a document unless the document relates to the business of Council and Council has resolved (by resolution specifically referring to the document) that the Seal be so affixed.

### **(d) Community Consultation**

Nil

### **(e) Delivery Program Objective/Strategy**

A Spirit of Community – C12 Provide high-quality sporting facilities to meet the diverse needs of the community.

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## **9.3 2021 ANZAC DAY MEMORIAL SERVICES WITHIN THE TAMWORTH REGIONAL COUNCIL AREA**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Mickaela Fairall, Executive Assistant to the Office of the General Manager

## **RECOMMENDATION**

***That in relation to the report “2021 Anzac Day Memorial Services within the Tamworth Regional Council Area”, Council nominate Councillor representation at the following locations:***

<b><i>Attunga</i></b>	<b><i>Cr .....</i></b>	<b><i>Sunday, 25 April</i></b>
<b><i>Barraba</i></b>	<b><i>Cr .....</i></b>	
<b><i>Bendemeer</i></b>	<b><i>Cr .....</i></b>	
<b><i>Duri</i></b>	<b><i>Cr .....</i></b>	
<b><i>Kootingal</i></b>	<b><i>Cr .....</i></b>	
<b><i>Moonbi Masonic Village RFBI</i></b>	<b><i>Cr .....</i></b>	<b><i>Thursday, 22 April</i></b>
<b><i>Manilla</i></b>	<b><i>Cr .....</i></b>	
<b><i>Manilla Central School</i></b>	<b><i>Cr .....</i></b>	<b><i>Thursday, 22 April</i></b>
<b><i>Moonbi</i></b>	<b><i>Cr .....</i></b>	
<b><i>Nundle</i></b>	<b><i>Cr .....</i></b>	<b><i>Sunday, 25 April</i></b>
<b><i>Somerton</i></b>	<b><i>Cr .....</i></b>	
<b><i>Tamworth</i></b>	<b><i>Cr .....</i></b>	<b><i>Sunday, 25 April</i></b>
<b><i>Gipps Street Memorial</i></b>	<b><i>Cr.....</i></b>	

## **SUMMARY**

The purpose of this report is to determine individual Councillors interest in attending the 2021 Anzac Day Memorial Services.

## **COMMENTARY**

Listed below is an itinerary for the locations in the region where Council is aware that ANZAC Services are held. As further information is received it will be brought to the attention of the nominated Councillor for that location.

### **Attunga**

An invitation has been received from the Attunga Anzac Day Committee to attend the Anzac Day March and Memorial Service commencing in front of the Attunga Primary School at 3pm, and the Service at the Memorial Gates in Attunga Street. After the Service light refreshments will be served in the Attunga Hall.

### **Barraba**

No formal invitation to Council has been received however, the Dawn Service normally commences at 6am at the Memorial Clock. The March commences at 10:50am from the corner of Queen and Alice streets, and arrives at the Memorial Clock at 11am for the commencement of the Service. Lunch will be held after the Service.

### **Bendemeer**

No formal invitation to Council has been received however, the Dawn Service normally commences at 5:30am at the Memorial Gates in Memorial Park (Old New England Highway) and the March commences at 10:45am from the Bendemeer Uniting Church with the Service held at Memorial Park at 11am.

### **Duri**

No formal invitation to Council has been received however, the Service normally commences at 7:30am and conducted by the Salvation Army at the Sportsground Memorial. With coffee, tea and ANZAC biscuits served afterwards.

### **Kootingal**

No formal invitation to Council has been received however, the March from Kootingal School normally commences at 8am (assembly at 7:45am) with the Service at approximately 8:30am at the Memorial in Memorial Park, Denman Avenue. With Morning Tea held following the Service.

### **Moonbi**

An invitation has been received from the Moonbi Masonic Village RFBI, to attend a ceremony to be held 22 April 2021, at the Moonbi Masonic Village RFBI starting at 9:30am.

### **Manilla**

#### *Manilla ANZAC Day Service*

No formal invitation to Council has been received however, the March normally commences at 10:45am from the RSL Club with the Service to follow adjacent to the Large Town Hall. Lunch is then held after the Service.

#### *Manilla Central School*

An invitation has been received from the Manilla Central School to attend their Service to be held on 22 April 2021, commencing at 10:30am at the Primary Department. A morning tea will follow the Service in the Primary Library.

### **Moonbi**

No formal invitation to Council has been received however, the March normally commences at 10am from the Moonbi Public School. With Morning Tea held following the Service.

### **Nundle**

An invitation has been received from the Tamworth RSL Sub-branch to attend the Nundle ANZAC Day Commemoration Service. The Service will commence at 10am in the Cenotaph.

### **Somerton**

No formal invitation to Council has been received however, the March normally commences from the School at 7:45am, the Commemorative Service will be held at the War Memorial Hall at 8:00am

### **Tamworth**

An invitation has been received from the Tamworth RSL sub-Branch to attend the ANZAC Day Services and Luncheon.

*Program ANZAC Day 2021, Tamworth*

5:30am	ANZAC Day Dawn Service	ANZAC Memorial Gates	ANZAC Park
10:45am	Main Service	Tamworth Memorial Town Hall	Fitzroy Street
12:00pm	Luncheon	All attendees (except official guests) are required to have a paid ticket.	Blazes Showroom - West's League Club

*Gipps Street Memorial*

No formal invitation has been received from the Rotary Club of Tamworth West, however, the ANZAC Day Memorial Service at the Gipps Street Memorial normally commences at 7:00am.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Funding for attendance at the above Anzac Day Memorial Services including travel and wreaths is included in the Governance Budget.

**(c) Legal Implications**

Council's formal approval for the attendance of any Councillor at these Anzac Day Memorial Day Services is required for insurance purposes whilst these Representatives of Council are performing bona fide duties.

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

A Spirit of Community – C21 Preserve and celebrate the character, heritage and culture of our city, towns and villages.

**10 COMMUNITY SERVICES**

Nil

**11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL**

**RECOMMENDATION**

*That the confidential reports as listed be considered in a Meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993.*

### **11.1 CONSTRUCTION OF LEVEE BANK SHARED PATH - T106/2021**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Mark Gardiner, Senior Project Management Engineer**

The Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (d)i of the Local Government Act 1993, on the grounds that the matter and information is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

#### **SUMMARY**

The purpose of this report is to seek Council's approval to award a lump sum contract for tender T106/2021 for the construction of a shared path on the West Tamworth levee bank, from Locks Lane to Thibault Street.

### **11.2 PROPOSAL FOR PROMOTIONAL MERCHANDISE**

**DIRECTORATE: GROWTH AND PROSPERITY**

**AUTHOR: Kate Baker, Co-Ordinator Economic and Destination Development**

**2 CONFIDENTIAL ANNEXURES ATTACHED**

The Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (d)i&(d)ii of the Local Government Act 1993, on the grounds that the matter and information is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. and information that would, if disclosed, confer a commercial advantage on a competitor of Council.

#### **SUMMARY**

Tamworth Regional Council has been approached by Winning Moves Australia Pty Ltd to develop an official Tamworth branded Monopoly board game and Tamworth Top Trumps Education Card set. Winning Moves Australia Pty Ltd own the rights to Monopoly Australia.

The proposed timeline to develop the products in readiness for the Christmas trade and the 50th Tamworth Country Music Festival in 2022 will require the contract to be executed by 16 April 2021.



## **CLOSED COUNCIL**

### **Confidential Reports**

#### **(Section 10A(2) of The Local Government Act 1993)**

Where it is proposed to close part of the Meeting, the Chairperson will allow members of the public to make representations to or at the meeting, before any part of the Meeting is closed to the public, as to whether or not that part of the meeting should be closed to the public.

The Chairperson will check with the General Manager whether any written public submissions or representations have been received as to whether or not that part of the meeting should be closed to the public.

The grounds on which part of the Council meeting may be closed to public are listed in Section 10A(2) of the Local Government Act 1993 and are as follows:

- (a) personnel matters concerning particular individuals other than Councillors,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- (h) during the receipt of information or discussion of information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

Section 10A(3) of the Act provides that Council, or a Committee of the Council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Section 10B(3) of the Act provides that if a meeting is closed during discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3) of the Act), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is matter referred to in section 10A(2) of the Act).

Section 10B(1) of the Act provides that a meeting is not to remain closed to the public during the receipt of information or the discussion of matters referred to in section 10A(2):

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest section 10B(4) of the Act states it is irrelevant that:

- (a) a person may interpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
  - (i) cause embarrassment to the Council or committee concerned, or to councillors or to employees of the council, or
  - (ii) cause a loss of confidence in the Council or committee.

### **Resolutions passed in Closed Council**

It is a requirement of Clause 253 of the Local Government (General) Regulation 2005 that any resolution passed in Closed Council, or Committee be made public as soon as practicable after the meeting has ended. At the end of Closed Council or Committee meeting, the Chairperson will provide a summary of those resolutions passed in Closed Council or Committee.