



# 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

**12 APRIL 2022**

**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*

**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 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, 22 March 2022, 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**

Nil

### **6 NOTICE OF MOTION**

Nil

### **OPEN COUNCIL REPORTS**

### **7 ENVIRONMENT AND PLANNING**

Nil

## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 KERB AND GUTTER CONSTRUCTION PRIORITY PROGRAM**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Graeme McKenzie, Manager, Strategy, Assets and Design**

**1 ANNEXURES ATTACHED**

#### **RECOMMENDATION**

*That in relation to the report “Kerb and Gutter Construction Priority Program”, Council:*

- (i) receive and endorse the Kerb and Gutter Construction Priority Program; and*
- (ii) approve that financial contributions from property owners will no longer be required for projects on this program.*

#### **SUMMARY**

The purpose of this report is to seek Council’s endorsement for an updated kerb and gutter construction priority program that contains a list of potential new kerb and gutter projects.

#### **COMMENTARY**

##### **Introduction and Background**

The provision of kerb and gutter plays an important role in the management of stormwater within the road reserves whilst also providing an effective measure to prevent edge breaks in the road pavement, and better defining the road pavement edge.

Tamworth Regional Council (Council) has approximately 654 lineal kilometres of kerb and gutter assets throughout the region, which is generally located in residential areas where the minimum lot size is less than 2,000 metres squared. Historically, much of the kerb and gutter network has been constructed in a piecemeal manner and growth in the kerb and gutter network has been largely dependent on the asset being gifted through new land development.

The kerb and gutter priority program has been developed to strategically construct new kerb and gutter where it will offer the greatest benefits. The construction of new kerb and gutter projects is funded by the annual kerb and gutter funding allocation of \$100,000, endorsed as part of the Annual Operational Plan.

As is allowable under the provisions of the Roads Act, Council has historically collected contributions from property owners where new kerb and gutter was to be constructed on either the frontage or on the side of the property. The frontage rate is currently listed in Council’s fees and charges as \$178 per metre (or 50% of the actual costs). A similar approach is listed for kerb and gutter on the side of the property.

Difficulties have arisen during the development of some projects, where property owners do not wish the work to be carried out and do not want to contribute to the new kerb and gutter. As discussed with Councillors at a recent workshop, the new program will allow projects to be developed on a strategic priority basis for the benefit of the community from a stormwater management perspective.

Council staff have undertaken an assessment of areas across the region that would benefit from kerb and gutter. Following this assessment, a kerb and gutter priority program was

prepared for Council's consideration with a list of the top 12 projects from the priority program **ATTACHED**, refer **ANNEXURE 1**.

The kerb and gutter priority program is based on previous programs and has been updated to put higher priority on reducing the risk of stormwater flows draining through commercial or residential properties. The removal of the need for property owners to contribute to the works should simplify the project development phase and allow projects to be delivered in priority order, subject to finalisation of the designs to undertake the work.

It should be noted that sometimes in the detailed design stage, other constraints including existing services (power, communications, water mains, sewer, water services and stormwater pipes and pits) and property access may complicate a project and therefore delay delivery from the priority identified in the program.

#### **Original Kerb and Gutter Program – 2002 (Revised in 2004)**

Tamworth City Council engineers prepared a kerb and gutter priority program in 2002. The program was intentionally designed to address the sections of missing kerb in streets that already had kerb and gutter. The program criteria did not give a high priority to those projects that posed a risk to Council or properties from flooding or overland stormwater flow, nor did it address the risk of accelerated deterioration of road pavement edges and road shoulders from traffic.

#### **Revision of Kerb and Gutter Program – 2010**

In 2010, asset data capture of streets in the towns and villages (specifically, Manilla, Barraba and Kootingal) was completed. This data was combined with the previously collected data for Tamworth City Council to create a comprehensive list of streets without kerb and gutter.

The selection criteria used in this revision did not discriminate between the zoning of the land or the length of kerb to be constructed. It also favoured a risk based approach, addressing the potential for flooding of private properties and the damage to assets such as roads and footway reserves caused by overland stormwater flow.

Scores for determining priority were subjective and were allocated based on assumptions gained from using Council's Geographic Information System (GIS), images and topographic data. Minimal site visits were carried out to validate the assumptions made.

#### **Revision of Kerb and Gutter Program – 2018**

The 2018 program, included revised calculations to enable a more accurate risk-based approach. The changes promoted locations that have both higher building density and unfavourable topography (in relation to stormwater drainage). These locations were where the flood risk was greatest and kerb and gutter would be most beneficial.

Locations with high traffic volumes and narrow bitumen seal widths had also been given higher consideration in this revision. These sites also had the highest risk of maintenance cost associated with not having kerb and gutter.

#### **Revision of Kerb and Gutter Program – 2022**

The 2022 program includes a revised method of identifying the locations where provision of kerb and gutter would be most beneficial. The method is based on prioritising the location which would see the greatest reduction in risk of stormwater issues as a result of building new kerb and gutter.



In the current program, priority is given based on the reduction in the potential stormwater flows through private properties across a range of storm events. Projects offering the largest reduction in potential stormwater flows were given a higher ranking than those with smaller reductions.

The capacity of the proposed kerb and gutter was also checked to identify locations requiring additional underground stormwater drainage infrastructure.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Upon adoption of the Kerb and Gutter Construction Priority Program, each project will be further developed including detailed designs. This will allow comprehensive project estimates to be developed.

It is proposed that the kerb and gutter component of these projects will be funded through the \$100,000 annual allocation and alternative funding sources will be sought for costs associated with road widening and underground drainage infrastructure.

There is a provision in the Roads Act 1993 (Section 217) that enables a roads authority to recover the cost of construction of kerb and gutter on a public road from adjacent landholders. Council can recover up to a 50% of the actual construction costs for new kerb and gutter. This provision has been used recently for several projects that involve the construction of new kerb and gutter. It should be noted however, that cost recovery from adjacent residents is only applicable to the portion of the work directly related to the kerb and gutter and does not include the costs for stormwater pits or pipes or any road widening. Council generally absorbs the cost of kerb and gutter works for a period of time prior to being fully reimbursed for resident contributions. The contribution from landholders has proved problematic in recent years and the recommendation as discussed at the Councillor workshop, is to not to seek a contribution for the projects identified on this program to simplify the delivery process.

It is proposed that in delivering this program, consideration will be given to accumulating funds across more than one financial year to achieve potential cost efficiencies. This may mean works are not undertaken in each financial year and projects in excess of the annual allocation will be undertaken as the budget allows.

Based on very preliminary project estimates, it is envisaged that the top 12 projects could be delivered in around 8 years, depending on funding sources for the associated drainage works and road widening.

**(c) Legal Implications**

Council has an obligation to properly manage road reserve stormwater and convey that water away from residential properties.

**(d) Community Consultation**

Consultation will be undertaken with affected residents prior to works occurring.

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

A Spirit of Community – C3 Safe places to live, work, play and visit.

## **8.2 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE GENERAL MEETING - 2 MARCH 2022**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Murray Russell, Manager Operations and Construction**

**3 ANNEXURES ATTACHED**

### **RECOMMENDATION**

*That in relation to the report “Tamworth Regional Local Traffic Committee General Meeting - 2 March 2022”, Council:*

- (i) approve the installation of signage and line marking as per the attached design drawings, including proposed amendments received on 8 March 2022, for a safety upgrade of Pullmans Road and Davidsons Lane, Moore Creek as part of the Hallsville to Moonbi road safety upgrade;*
- (ii) approve the closure of Attunga Street, Attunga from 2:30pm to 5:00pm on 25 April 2022, for ANZAC Day memorial events;*
- (iii) approve the closure of Gipps Street, West Tamworth between Denison Street and Belmore Street, from 5:45am to 11:00am on 25 April 2022, for ANZAC Day memorial events;*
- (iv) approve the closure of Brisbane Street, between Napier Street and Upper Street, East Tamworth from 4:00am to 6:30am on 25 April 2022, for ANZAC Day memorial events;*
- (v) approve the rolling closure along Kable Avenue, Hill Street, Peel Street and Fitzroy Street, Tamworth for up to an hour between 9:00am and 11:00am, on 25 April 2022, for ANZAC Day memorial events;*
- (vi) approve the closure of Milkmaid Street and Scotland Street, Somerton between 7:00am and 10:00am on 25 April 2022, for ANZAC Day memorial events;*
- (vii) approve the closure of Jenkins Street, between Oakenville Street and Innes Street, Nundle from 9:00am to 11:30am on 25 April 2022, for ANZAC Day memorial events;*
- (viii) approve the closure of Denman Avenue between Kootingal Public School and Gate Street, Kootingal on 25 April 2022 for ANZAC Day memorial events, time to be advised;*
- (ix) approve the closure of Manilla Street between Market Street and Court Street, Manilla on 25 April 2022, for ANZAC Day memorial events, from 5am to 12pm;*
- (x) approve the closure of Queen Street, between Maude Street and Market Street, Barraba on 25 April 2022, for ANZAC Day memorial events, time to be advised; and*
- (xi) approve the installation of No Stopping 8am-9:30am and 2:30pm to 4pm signs on Boronia Drive between the school driveway and 27 Boronia Drive driveway.*

## SUMMARY

The purpose of this report is to advise Council of 11 recommendations made by the Tamworth Regional Local Traffic Committee (the Committee) at the meeting held on 2 March 2022.

## COMMENTARY

The minutes from the Committee meeting held 2 March 2022 are **ATTACHED**, refer **ANNEXURE 1**.

### 04/2022 - Hallsville to Moonbi Safety Upgrade – Pullmans Road and Davidsons Lane Moore Creek, Intersection Signage and Line marking

The intersection of Pullmans Road and Davidsons Lane is part of the Moonbi to Hallsville road safety upgrade, and was identified as a high risk intersection for upgrade by a Road Safety Audit, undertaken by Adrill Payne & Partners on the 15 September 2021. See **ATTACHED**, refer **ANNEXURE 2** for the Road Safety Audit report.

Please find **ATTACHED**, refer **ANNEXURE 3** a signage and line marking plan for the proposed upgrade of Pullmans Lane and Davidsons Lane intersection, as shown in the Figure 1 below.

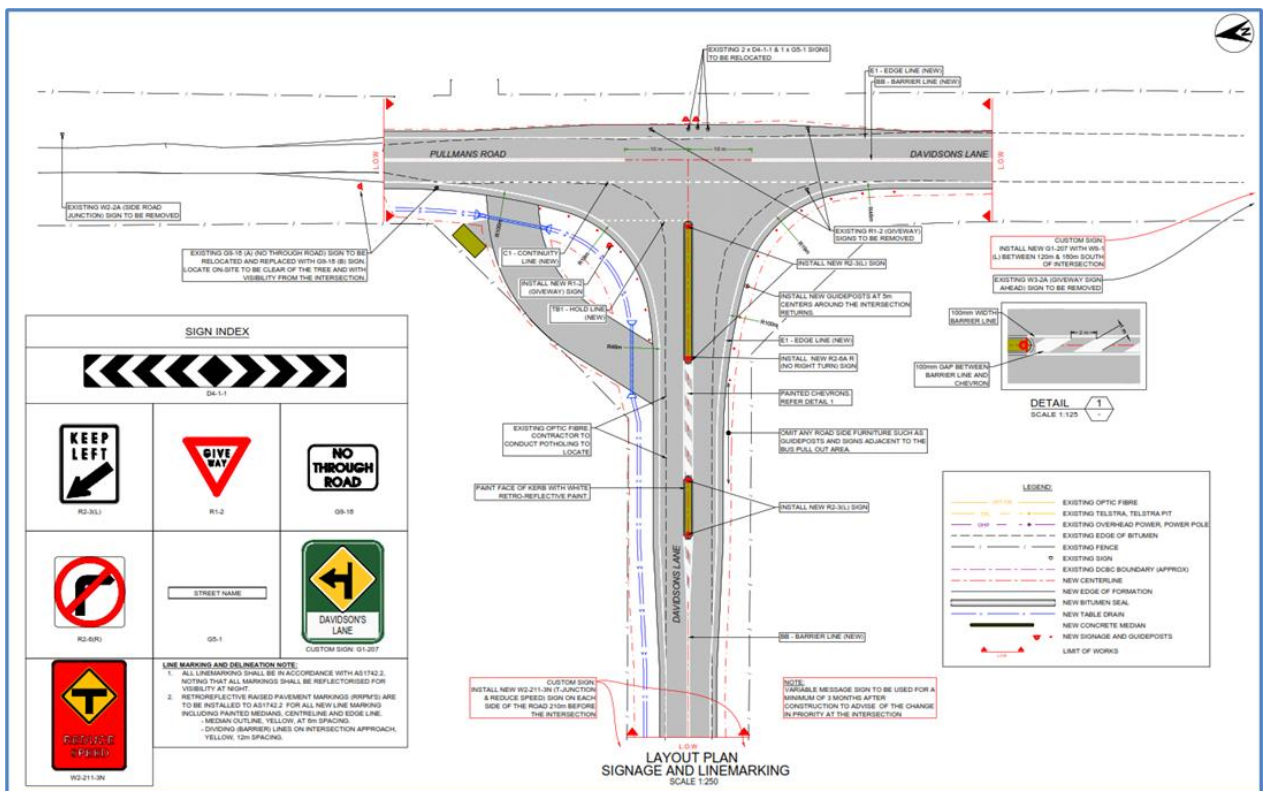


Figure 1: Pullmans Road and Davidsons Lane signage and line marking plan

The responses from the designer can be found below in Table 1.

Table 1: Designer responses received 8 March 2022

Comment	Response from Designer
<p>1. Bus drop off bay:</p>	<p>The bus drop off bay is for two-way travel as the bus routes travel both north and south on Davidsons Lane, so one-way directional arrows can't be included. The formalisation of the existing bus drop off bay provides a safer solution for the most vulnerable user groups (i.e. the school aged children). The drop off bay allows parents to park off the road adjacent to the bus drop off so kids don't run across the road, which is the primary risk associated with school time pickups. The entry back onto Davidsons Lane and Pullmans Road would be treated as any other driveway whereby the major and minor roads have priority over vehicles within the bus bay. The shoulder edge lines indicate this.</p> <p>Two alternatives were considered during the design phase, including:</p> <ol style="list-style-type: none"> <li>1) providing pavement widening on both sides of Davidsons Lane to allow the school bus to pull over into a widened shoulder. The road reserve is only 20m wide and both verges incorporate table drains which is insufficient width to accommodate two widened shoulders. Vehicles would need to park on the edge of the road which has reduced sight distance when entering back into the travel lane (i.e. looking over your shoulder).</li> <li>2) do nothing. If nothing was done, the existing bus shelter is located within the T intersection opposite the leg of the T would remain and there is no space for parents to park here. Kids would need to cross the road to reach their cars. The existing splay where the proposed bus drop off bay is located would continue to be used as a pseudo drop off zone anyway.</li> </ol> <p>The risk of a vehicle using the bus drop off bay as a short cut is outweighed in my opinion by the benefits to the vulnerable user group. The traffic volumes on Pullmans Road are very low (it only services about eight properties) and I doubt the use of the drop off bay would actually be quicker or easier to use than just using the conventional intersection (e.g. there are two turn movements to use the bus drop off bay compared to one using the intersection).</p>
<p>2. Reduction of spacing of the hold line to the Continuity line to 3</p>	<p>The hold line on Davidsons Lane is governed by the swept path of a B-Double vehicle making a right turn from Pullmans Road onto Davidsons Lane (see the</p>

metres:	swept path checks on sheet 012 of the design plans). If the hold line is brought forward closer to the continuity line, then there will be a risk of turning trucks striking a waiting vehicle. As per typical rural intersections, vehicles can creep forward to improve sight distance once they have stopped and can observe no trucks are present.  Regarding sight distance for cyclists, it is very unlikely that cyclists would continue down Pullmans Lane given it is a dead-end road that is unsealed immediately at the limit of works of this project
3. Provisions for cyclists using the intersection:	No additional provisions for the road other than a 1 metre sealed shoulder and widening for truck swept paths. Bike users wishing to have a rest or congregate if in a group at this location, can safely utilise the bus drop off bay so they are off the road and not within the long grass on the verge.
4. Two of the signs have been identified as superseded or wrong (W2-211-3n and G1-207):	W2-211-3N sign has been updated to a black background with red box for the reduce speed sign  G1-207 sign has been updated to incorporate a W2-4(L) sign within the G1-207 sign (proposed amendments 8 March 2022)

**COMMITTEE RECOMMENDATION:** the Committee support the installation of signage and line marking as per the attached design drawings including proposed amendments received on 8 March 2022, for a safety upgrade of Pullmans Road and Davidsons Lane, Moore Creek as part of the Hallsville to Moonbi road safety upgrade.

### 06/2022 - ANZAC DAY 2022 Events – Road Closures

RSL Branches and community groups have advised of the following ANZAC Day Memorial Services, Veterans Walks and Marches, proposed for 25 April 2022 at various locations in the Tamworth Regional Council (Council) 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 accordingly, to enable events to proceed where possible, in compliance with current health orders at the time of the event.

#### 1. Attunga – 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 times as per previous years.

ANZAC Day March assemble outside the Attunga Public School at 3:00pm and march to the memorial gates at the corner of Cross Street and Attunga Street, for the ANZAC Day Service at 3:15pm. Afternoon tea will be held at the Attunga Public School until 4:45pm. See Figure 2 below.

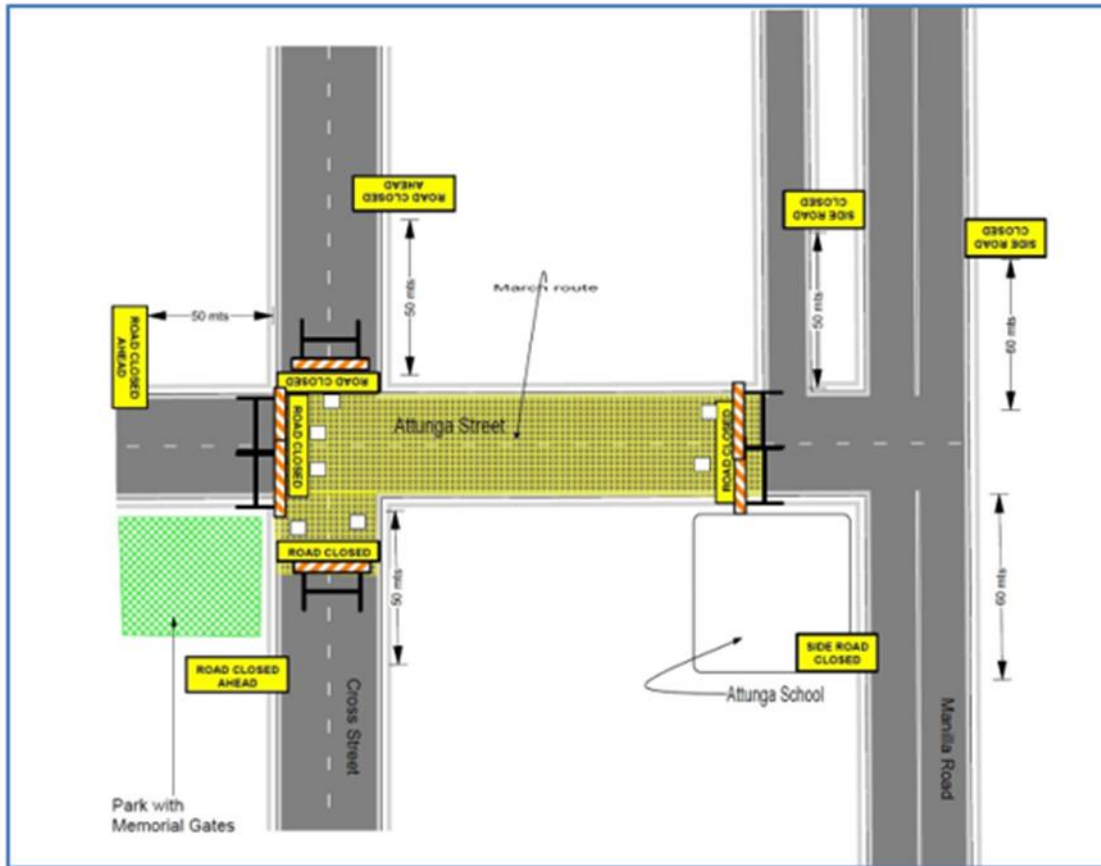


Figure 2: ANZAC Day road closures in Attunga

**COMMITTEE RECOMMENDATION:** the Committee support the closure of Attunga Street, Attunga from 2:30pm to 5:00pm on 25 April 2022, for ANZAC Day memorial events.

## 2. West Tamworth – Memorial service

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 times as per previous years.

West Tamworth Rotary Club will hold a memorial service at the Gipps Street War Memorial, between Denison Street and Belmore Street West Tamworth, at approximately 6:30am, and disperse at approximately 10:00am.

Road closures will be implemented at approximately 6:00am to 11:00 am. See Figure 3 below.

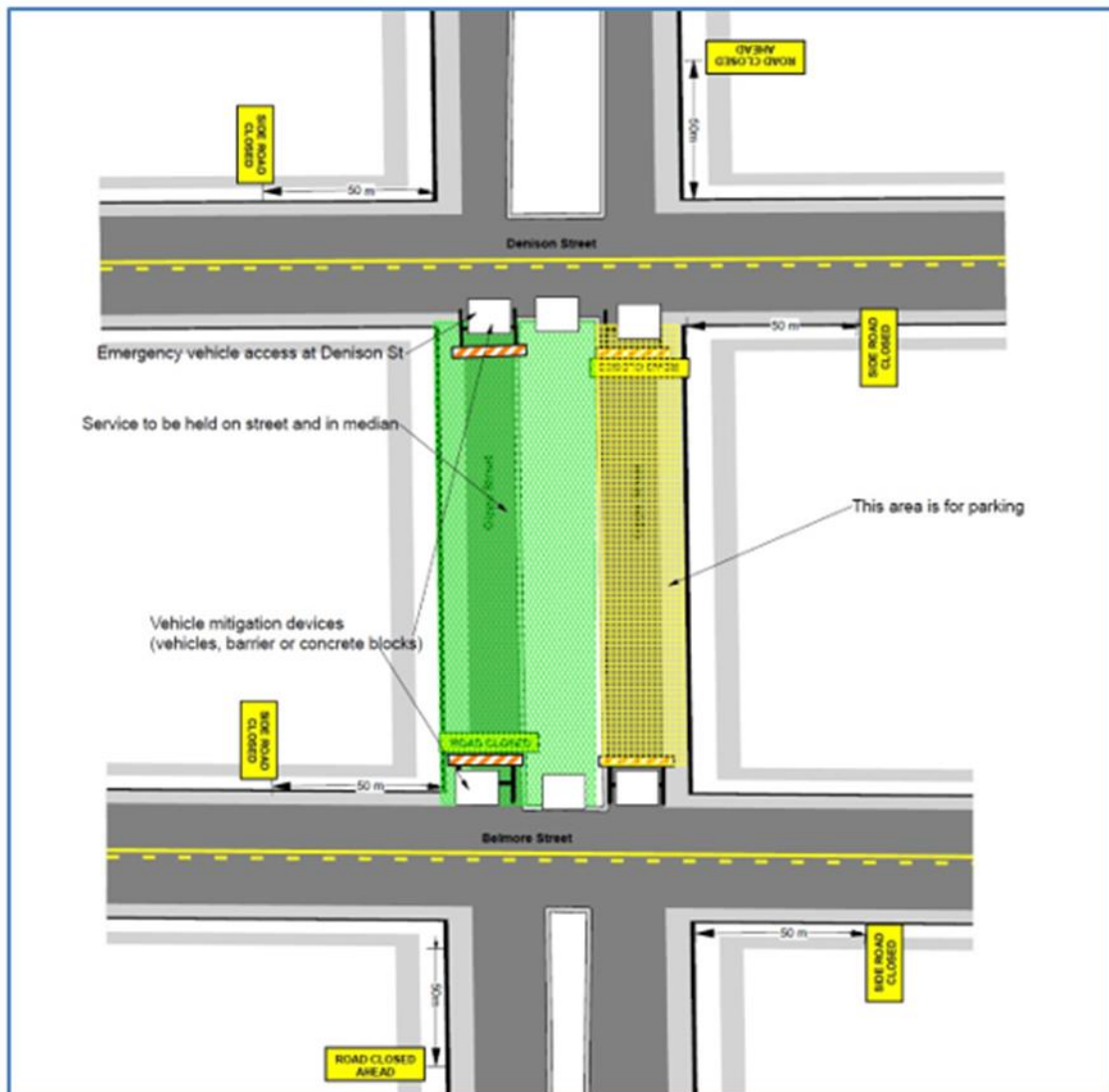


Figure 3: ANZAC Day road closures in West Tamworth

**COMMITTEE RECOMMENDATION:** the Committee support the closure of Gipps Street, West Tamworth between Denison Street and Belmore Street, from 5:45am to 11:00am on 25 April 2022, for ANZAC Day memorial events.

### 3. Tamworth – Dawn Service

A meeting has been held with Council operations staff, Council events staff and RSL staff, however an event application has not yet been received by Council. The below event information is based on meeting discussions and may be subject to change pending confirmation from the RSL.

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



Figure 4: ANZAC Day road closures in Tamworth

**COMMITTEE RECOMMENDATION:** the Committee support the closure of Brisbane Street, between Napier Street and Upper Street, East Tamworth from 4:00am to 6:30am on 25 April 2022, for ANZAC Day memorial events.

**4. Tamworth – CBD ANZAC Day March**

A meeting has been held with Council operations staff, Council events staff and RSL staff, however an event application has not yet been received by Council. The below event information is based on meeting discussions and may be subject to change pending confirmation from the RSL.

A walk will take place by the Tamworth RSL from Kable Avenue to Town Hall, via Kable Avenue, Hill Street, Peel Street and Fitzroy Street, Tamworth.

RSL veterans and vehicles will form up in Kable Avenue, between Fitzroy Street and White Street. Schools will form up in the White Street Carpark.

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 take up to an hour.

A traffic control plan is still to be confirmed. See Figure 5 below.



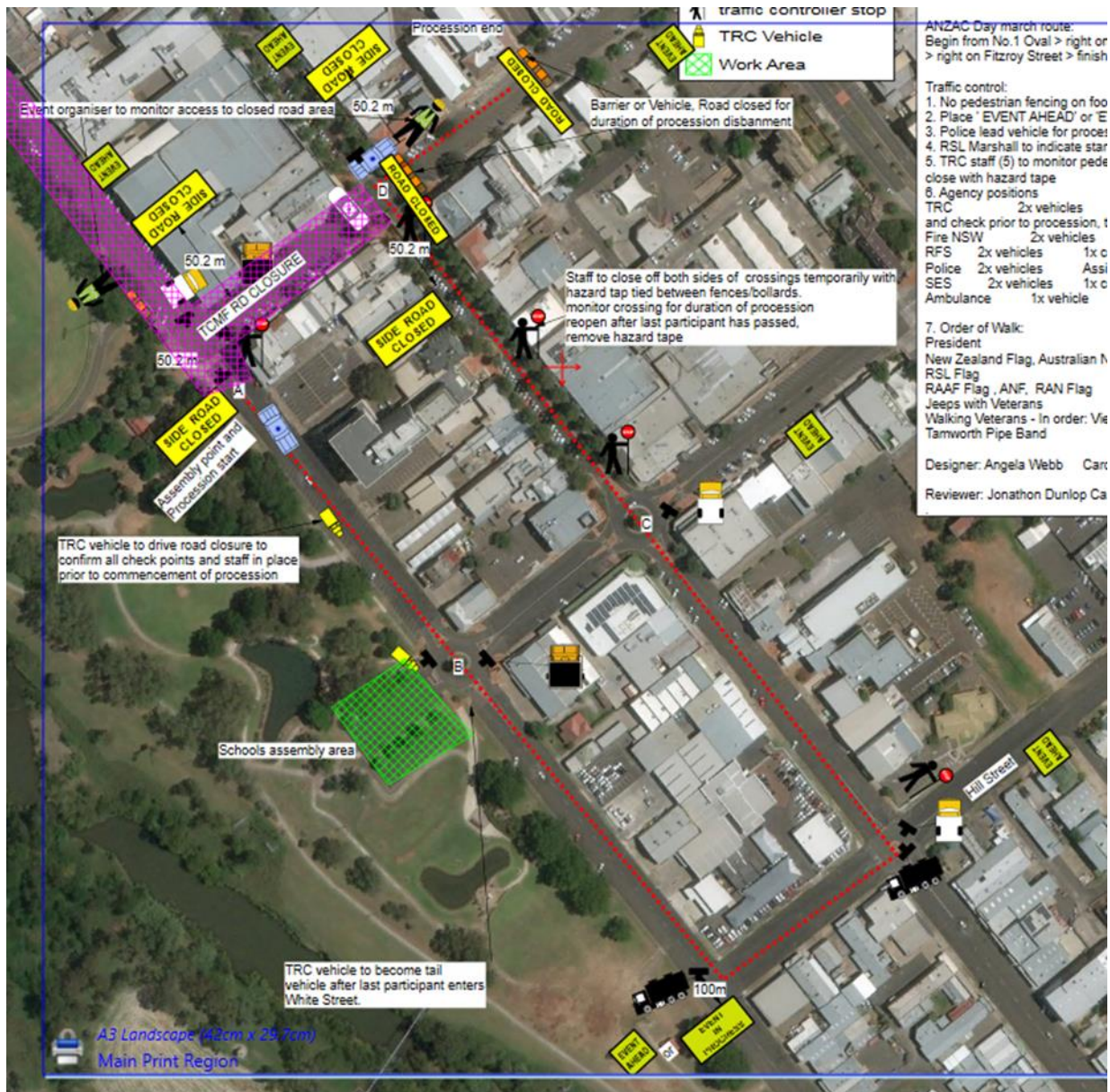


Figure 5: ANZAC Day road closures in the Tamworth central business district (CBD)

**COMMITTEE RECOMMENDATION:** the Committee support the rolling closure along Kable Avenue, Hill Street, Peel Street and Fitzroy Street, Tamworth, for up to an hour between 9:00am and 11:00am, on 25 April 2022, for ANZAC Day memorial events.

### 5. Somerton – 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 times as per previous years.

An ANZAC Day march and small service will be conducted in Somerton on 25 April 2022. The march will assemble at the Somerton Public School in Milkmaid Street, 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. See Figure 6 below.

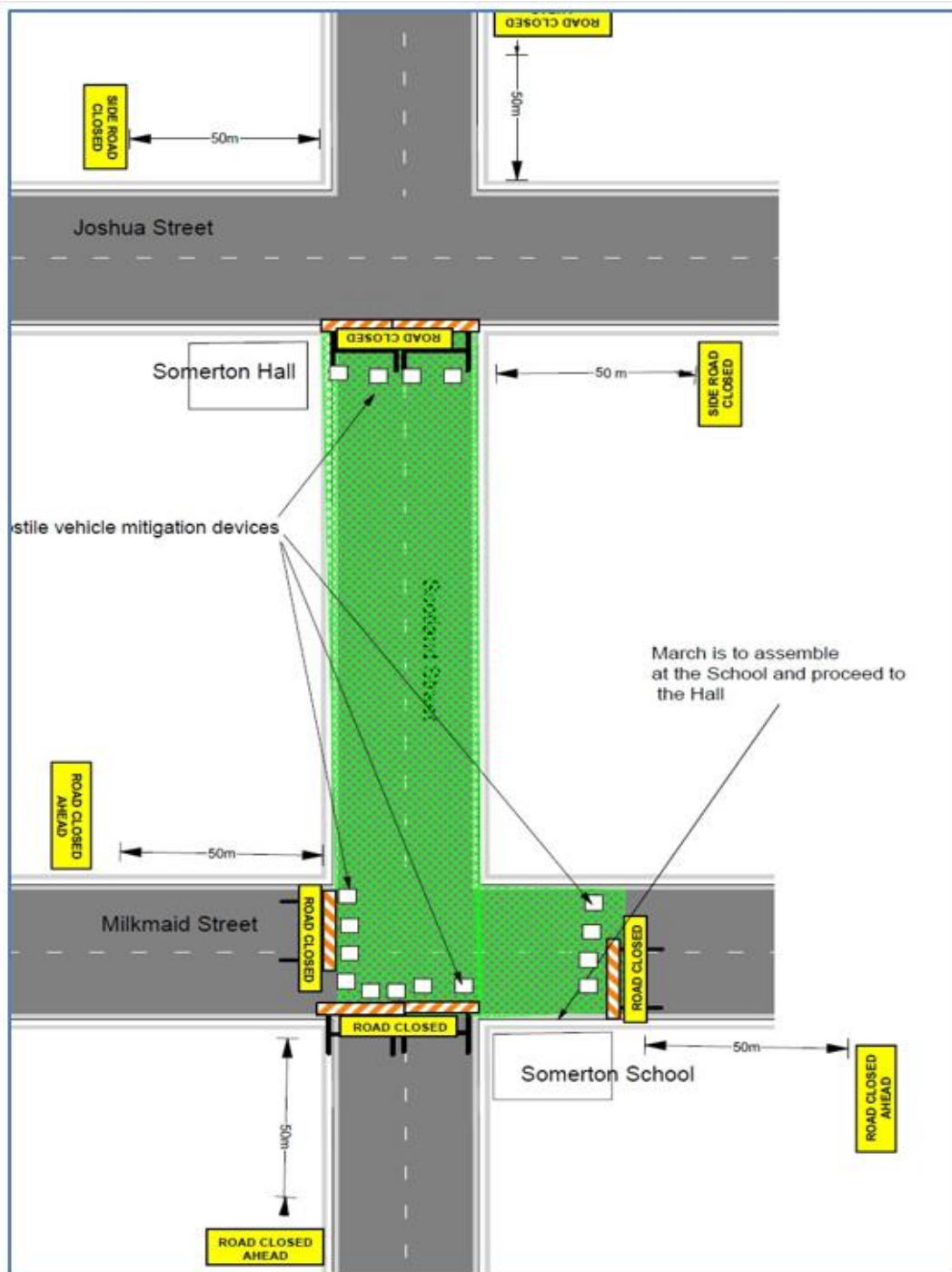


Figure 6: ANZAC Day road closures in Somerton

**COMMITTEE RECOMMENDATION:** the Committee support the closure of Milkmaid Street and Scotland Street, Somerton between 7:00am and 10:00am on 25 April 2022, for ANZAC Day memorial events.

### 6. Nundle – 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 times as per previous years.

Nundle RSL sub-branch have advised that an event will be held.

This would comprise of the closure of Jenkins Street, between Oakenville Street and Innes Street from 9:00am to 11:30am. See Figure 7 below.

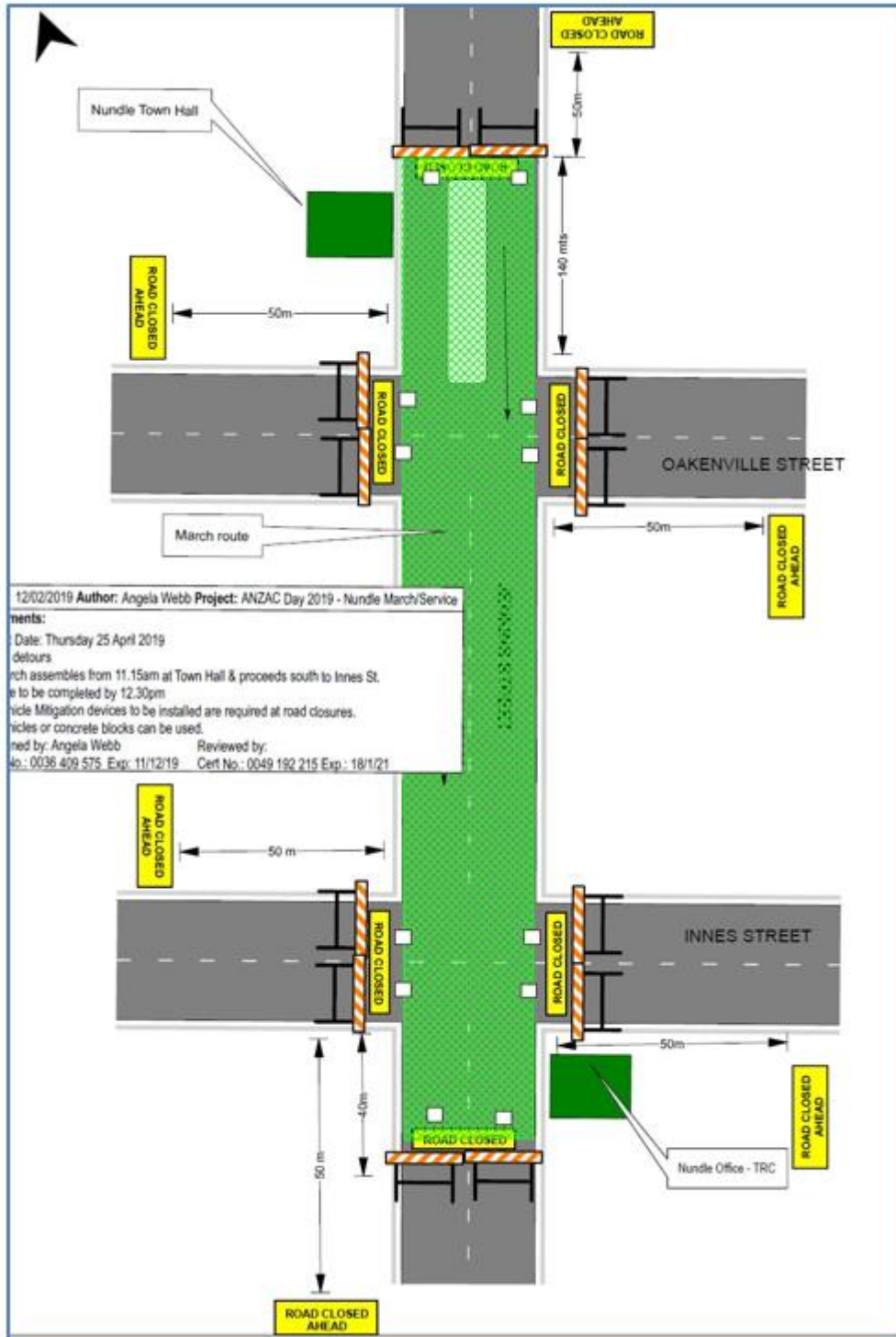


Figure 7: ANZAC Day road closures in Nundle

**COMMITTEE RECOMMENDATION:** the Committee support the closure of Jenkins Street, between Oakenville Street and Innes Street, Nundle from 9:00am to 11:30am on 25 April 2022 for ANZAC Day memorial events.

### 7. Kootingal – Memorial service

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 times as per previous years.

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-19 restrictions. Should restrictions be eased, a march is expected to be undertaken as per previous years, as shown below in Figure 8.

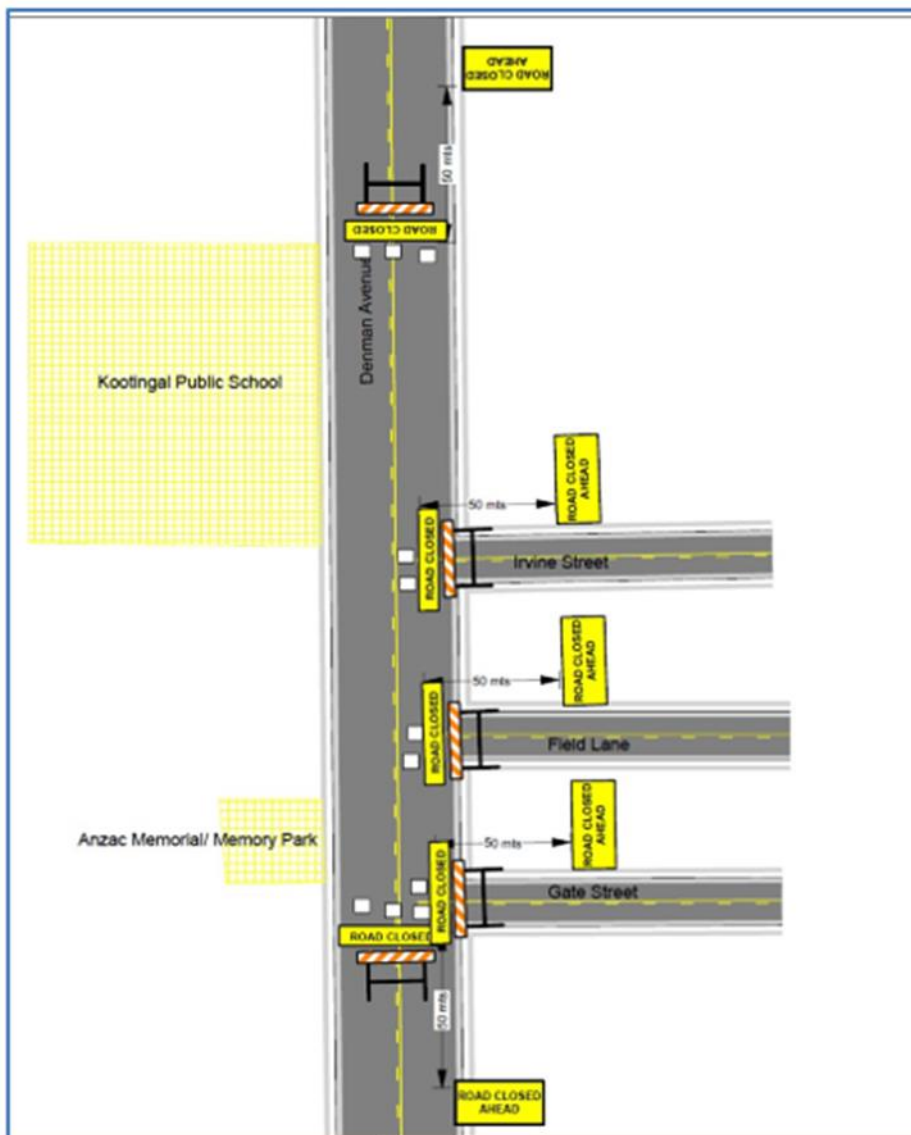


Figure 8: ANZAC Day road closures in Kootingal

**COMMITTEE RECOMMENDATION:** the Committee support the closure of Denman Avenue between Kootingal Public School and Gate Street, Kootingal on 25 April 2022 for ANZAC Day memorial events, time to be advised.

### 8. Manilla – Memorial service and march

Road closures as indicated in the traffic control plans (TCPs), from 5am to 12pm on 25 April 2022, for the Manilla Service and March. This would comprise the closure of Manilla Street between Market Street and Court Street. See Figure 9 below.

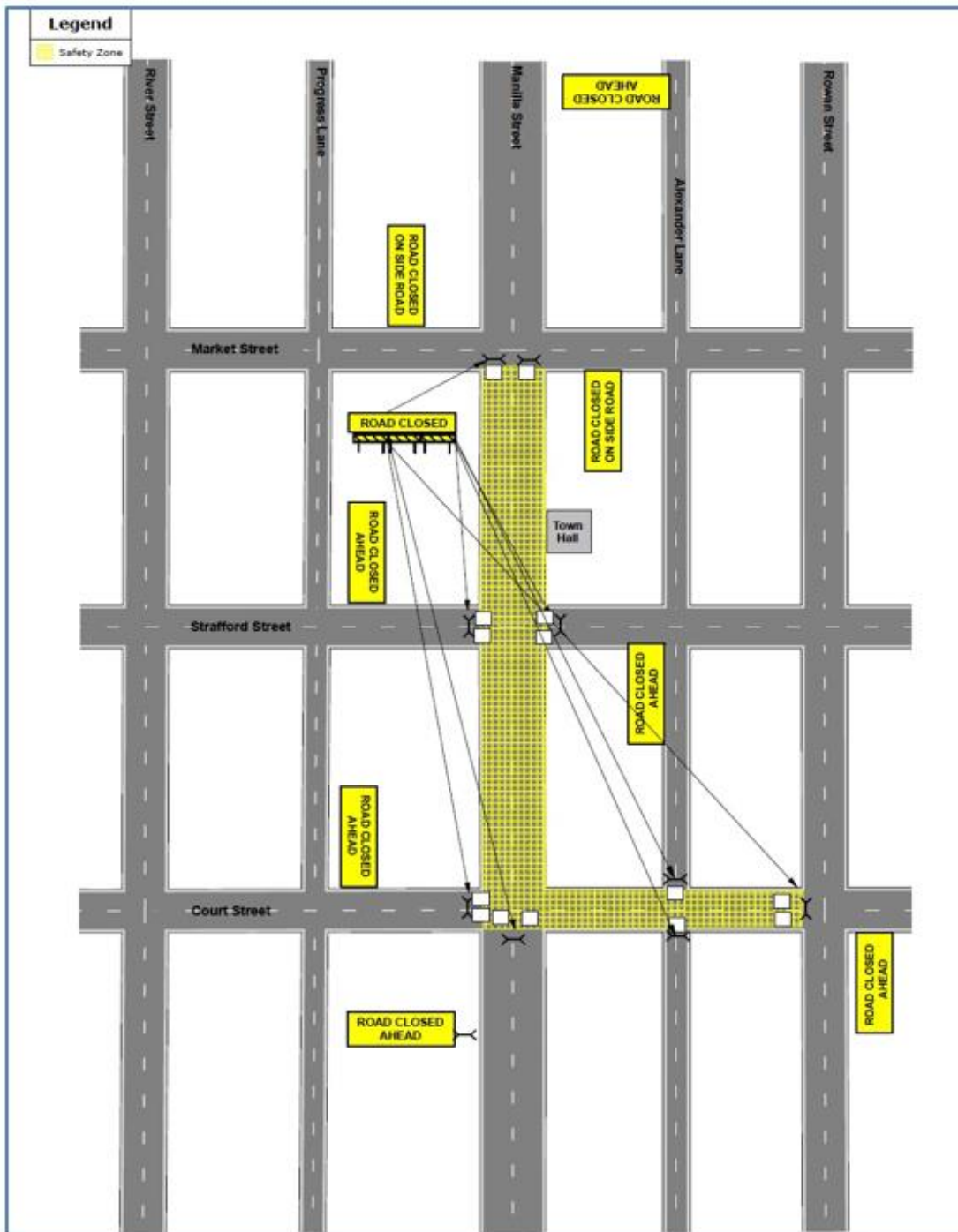


Figure 9: ANZAC Day road closures in Manilla

**COMMITTEE RECOMMENDATION:** the Committee support the closure of Manilla Street between Market Street and Court Street, Manilla on 25 April 2022, for ANZAC Day memorial events, from 5am to 12pm.

### 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 times as per previous years. Previously both the Dawn Service and the 11.00am service were low key, and required no Council resources.

The Dawn Service was held in front of the Playhouse Hotel at 123 Maude Street (shown red top right of Figure 10). The median strip and the footpaths were utilised. The 11.00am ceremony was held within the confines of the Barraba Cemetery (shown blue bottom left of Figure 10). Both ceremonies were expected to be of a 20 minute duration.



Figure 10: Dawn Service in Barraba – no road closures

Previous year marches followed the below route, requiring the closure Queen Street, between Maude and Edward Street. See Figure 11 below.

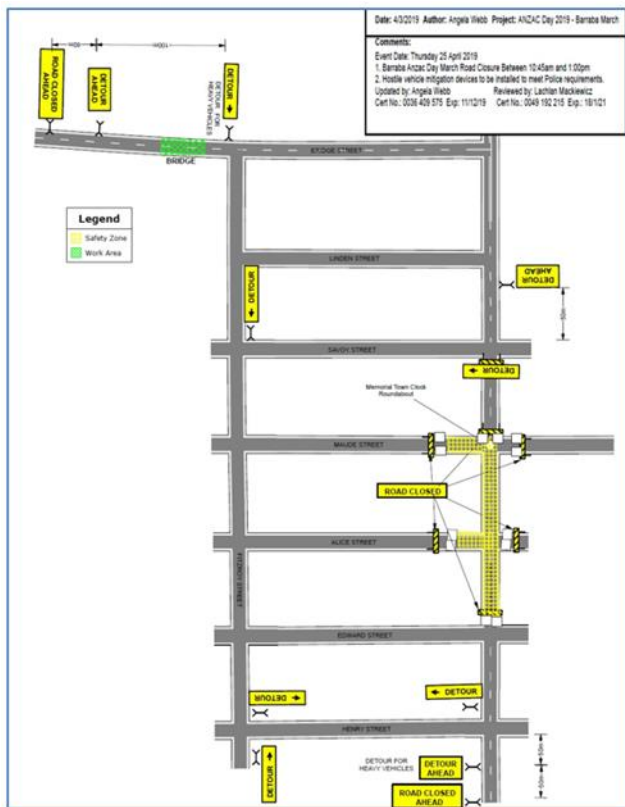


Figure 11: ANZAC Day road closures in Barraba

**COMMITTEE RECOMMENDATION:** the Committee support the closure of Queen Street, between Maude Street and Market Street, Barraba on 25 April 2022 for ANZAC Day memorial events, time to be advised.

**08/2022 – Carinya Christian School – Boronia Drive Calala – No Parking**

The Business Manager for Carinya Christian School (the school) has ongoing concerns about the manner in which school parents park along Boronia Drive, to drop off/pick up their children, both before and after school.

The issue is that the area closest to the school where they choose to park is on a bend which creates a blind corner. On a number of occasions staff have witnessed near misses. The school requests a **No Parking** sign during school times be installed at the corner. See Figure 12 below.



Figure 12: Proposed No Parking sign

**COMMITTEE RECOMMENDATION:** that the Committee support the installation of **No Stopping 8am-9:30am and 2:30pm to 4pm** signs on Boronia Drive between the school driveway and the 27 Boronia Drive driveway.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

04/2022 – will be funded out of the Project Budget for the Moonbi to Hallsville Road Safety Upgrade

06/2022 – will be funded from the existing Infrastructure and Works signage budget.

08/2022 - will be funded from the existing Operations and Construction signage budget.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Nil

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

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



## 9 GOVERNANCE, STRATEGY AND FINANCE

### 9.1 APPLICATION FOR ADDITIONAL SPECIAL VARIATION (ASV) FOR 2022/2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER  
AUTHOR: Rami Abu-Shaqra, Chief Financial Officer

1 ANNEXURES ATTACHED

#### RECOMMENDATION

*That in relation to the report “Application for Additional Special Variation (ASV) for 2022/2023”, Council applies for a permanent single year special variation to increase the notional rate income for 2022/2023 under Section 508(2) of the Local Government Act 1993 (the Act) by 2%, including the 0.7% rate peg.*

#### SUMMARY

In late 2021 IPART announced that the rate peg for Tamworth Regional Council for the 2022/23 financial year would be set at an increase of 0.7%. The impact of this determination is that Council’s General Fund revenues will decrease by \$514,610 in 2022/2023 due to our Long Term Financial Plan (LTFP) being based on a conservative annual increase in rate revenues of 2%.

Due to its negative financial impact on the Council in the year 2022/23 and beyond, it is recommended that Council apply for a **permanent single year special variation of 1.3% for 2022/2023** under Section 508(2) of the Act. If successful, this variation would amount to a total rate peg increase of 2% for the 2022/2023 financial year and would eliminate the shortfall in Council’s forecast rate revenue.

#### COMMENTARY

##### Background

The IPART has been appointed by the NSW State Government to determine the annual rate peg limit for all Councils. Historically, this increase has usually fallen between the range of 2-3% and Tamworth Regional Council has developed its LTFS on the basis of a conservative 2% increase each year.

Unfortunately, in late 2021 the IPART announced an extremely low rate peg for the 2022/23 financial year of just 0.7%. This announcement caught the industry by surprise, especially as it was made amid a time of rapid inflation increases, shortage in supply chains that add to the costs of materials, increasing insurance premiums and low returns on investments. Not surprisingly, LGNSW and many individual councils strongly appealed to the Office of Local Government and the Minister to review the determination made by IPART.

To their credit, the Government responded by instructing IPART to allowing affected councils to apply for an “Additional Special Variation” (ASV) before 29 April 2022 to restore their planned increases for 2022/23 so long as the requested increase had been previously included in the published LTFP.

##### Why apply for an ASV

For Tamworth Regional Council, a rate peg of 0.7% is significantly lower than what Council has planned for and documented in its 2021/2022 Integrated Planning and Reporting (IP&R) Framework. Council has used a rate peg of 2% to model expected general revenues in our Long Tern Financial Planning and budget for 2022/2023 and beyond.

With CPI heading above the RBA’s targeted rate of 2 – 3% and recent hikes in the cost of construction material and, fuel, our operational and capital cost are expected to increase significantly above the peg of 0.7%.

Council had already been predicting a 2022/23 budget shortfall of around \$2 million and had been preparing a number of options for consideration by Councillors through the annual budget process. The additional impact of reduced revenues from a rate peg of only 0.7% will require further savings through a reduction of service levels in order to deliver a balanced budget for 2022/23.

### Permanent or Temporary

The type of permissible ASV under this round of applications is governed by section 508(2) of the Act. Under s508(2), a single year percentage increase may be either permanent or temporary.

- *Permanent* refers to a one off (single year) percentage increase that remains permanently in the rate base.
- *Temporary* refers to a one off (single year) percentage increase subject to a condition to return to the rate peg path in Year 2.

### What it means for TRC

Council has built its LTFP to deliver on its growth agenda as stipulated in Community Strategic Plan (CSP), Blueprint100 and other IP&R documentation based on an annual increase in its general rate revenue of 2%.

If Council does not apply for the proposed ASV it is estimated that the general rate income will have a shortfall of **\$514,610** in 2022/2023. (Option 1 below).

The long-term financial impact will depend on whether or what ASV Council applies for (Temporary or Permanent) and what future rate peg levels may be. Should IPART’s rate peg continue at the level of 0.7% for the nine following years, the Council would suffer different levels of shortfalls depending on what course of action chosen. The following table highlights the options and the impact on Council:

Item	2022/2023	2023/2024	Cumulative for 8 years 2025/2026 to 2032/2033
<b>Rates and Annual Charges (Rev) – Planned (LTFP)</b>	<b>40,376,696</b>	<b>41,184,230</b>	<b>409,771,602</b>
<b>Option 1</b>			
Do Nothing			
Stay with rate peg (0.7%)	39,862,086	40,141,121	374,153,488
<b>Impact of Option 1 - Shortfall</b>	<b>(514,610)</b>	<b>(1,043,109)</b>	<b>(35,618,114)</b>
<b>Option 2</b>			
Apply for 1.3% Temporary ASV*	40,376,696	40,141,121	374,153,488
<b>Impact of Option 2 - Shortfall</b>	<b>0</b>	<b>(1,043,109)</b>	<b>(35,618,114)</b>
<b>Option 3</b>			
Apply for 1.3% Permanent ASV**	40,376,696	40,657,333	378,983,720
<b>Impact of Option 3 - Shortfall</b>	<b>0</b>	<b>(524,897)</b>	<b>(30,787,882)</b>

\* Rates and annual Charges increase by 2% in Year 1 and then revert to IPART peg in Year 2 (on the basis of Year 1 increase never happened, revert back to 0.7%)

\*\* Rates and annual Charges increase by 2% in Year 1 and then revert to IPART peg in Year 2 (on the basis of Year 1 increase returned at 2%)

From above, it appears that the least painful option is to apply for a permanent single year special variation for 2022 – 2023 by 1.3%.

### What it means to the Rate Payer

It is difficult to succinctly outline the impact of a change in the base amount and annual charges for each rate payer as rateable property values vary significantly. However, in order to demonstrate the reasonableness of the proposed ASV, the following tables show the impact on an “average” property in each category:

1. The first table shows the impact from the General Fund increases only.
2. The second table shows the impact from the General Fund increases in addition to the annual charges of water, sewer and waste.

Table 1	Average 2021 - 2022	Average 2022 - 2023 0.7% Increase	Average 2022 - 2023 2% Increase
<b>Impact of Average Ordinary Rate (General Fund only):</b>			
<b>Residential</b>			
Ordinary <sup>1</sup>	876.09	882.22	893.61
Tamworth <sup>2</sup>	1,263.11	1,271.96	1,288.38
Barraba Town	592.73	596.88	604.59
Manilla Town	584.96	589.06	596.66
Kootingal/Moonbi	488.12	491.54	497.88
Village	570.63	574.62	582.04
<b>Business</b>			
Ordinary <sup>1</sup>	712.42	717.40	726.66
Tamworth <sup>3</sup>	4,378.61	4,409.26	4,466.18
Barraba Town	1,050.78	1,058.13	1,071.79
Manilla Town	1,506.31	1,516.85	1,536.43
Kootingal/Moonbi	867.04	873.10	884.38
Village	594.39	598.55	606.28
<b>Farmland</b>			
Ordinary	2,048.81	2,063.15	2,089.78

<b>Table 2</b>	<b>Average 2021 - 2022</b>	<b>Average 2022 - 2023 0.7% Increase</b>	<b>Average 2022 - 2023 2% Increase</b>
<b>Impact of Average total rates and charges (General Fund + Water + Sewer + Waste):</b>			
<b>Tamworth Residential:</b>			
Ordinary Rate	1,263.11	1,271.96	1,288.38
Water Access <sup>1</sup>	289.00	295.00	295.00
Sewer Access <sup>2</sup>	885.00	885.00	885.00
Stormwater Mgt <sup>2</sup>	25.00	25.00	25.00
DWM Base <sup>3</sup>	354.00	177.00	177.00
DWM Collect <sup>3</sup>	0	230.00	230.00
<b>Total Tamworth Residential</b>	<b>2,816.11</b>	<b>2,883.96</b>	<b>2,900.38</b>
<b>Weekly Increase (\$ / Week)</b>		<b>1.30</b>	<b>1.62</b>
<b>Tamworth Business:</b>			
Ordinary Rate	4,378.61	4,409.26	4,466.18
Water Access <sup>1</sup>	289.00	295.00	295.00
Sewer Access <sup>2</sup>	885.00	885.00	885.00
Stormwater Mgt <sup>2</sup>	50.00	50.00	50.00
Non-Domestic Waste Base <sup>3</sup>	333.00	134.00	134.00
Non-Domestic Waste Collect <sup>3</sup>	0	299.00	299.00
<b>Total Tamworth Business</b>	<b>5,935.61</b>	<b>6,072.26</b>	<b>6,129.18</b>
<b>Weekly Increase (\$ / Week)</b>		<b>2.63</b>	<b>3.72</b>

<sup>1</sup> water rate increase by 2%

<sup>2</sup> No increases in 2022-2023

<sup>3</sup> the Waste Management fee structure is proposed to be changed from a Waste Management Levy of \$354 (Residential) or \$333 (Business) in 2021-2022 to Base rate (for all) and Collection charge (for those that wish to utilise this service)

Note that the above weekly increase to a resident of Tamworth of \$1.62 represents the average increase. A resident on the lower end of the rateable value scale will only feel an increase of \$1.14 per week whereas a valuable residential development on the other end will

have an increase of \$15.76 per week. For businesses in Tamworth, the increase per week ranges from \$2.76 per week to \$29 per week, with average increase being \$3.72.

**Recommendation**

Based on the above and having considered that the impact of an additional special variation increase of 1.3% for General Fund (over and above the rate peg of 0.7%) on rate payers to be reasonable, Council resolve:

*That Council applies for a permanent single year special variation to increase the notional rate income for 2022/2023 under Section 508(2) of the Local Government Act 1993 (the Act) by 2%, including the 0.7% rate peg.*

**(a) Policy Implications**

Nil

**(b) Financial Implications**

If Council is granted a SRV of 1.3% (on top of the peg of 0.7%), General fund will have the additional income of \$514,610.00 in the 2022/23 financial year that was originally planned for in IP&R 2021/2022. That planned (now additional) income will ensure minimal interruptions to the delivery of Council's programs within its CSP that support the liveability and the growth of its community.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Under this one-off ASV, Council is not required to demonstrate additional community consultation. IPART will consider the consultation undertaken by Council through the IP&R process (2021/2022) and consider the resolution to apply for a ASV meets the requirements outlined above.

The Council is in the opinion that the impact on the ratepayers from this ASV, if granted, will be reasonable. The table above shows a \$1.60 per week average increase for Tamworth Residential and \$2.80 per week average increase for Business. These increases include all currently planned changes in water and waste charges. This request for permanent special variation will not add any additional burden to the ratepayers that was not previously planned for and consulted with the community.

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

A Region of Progressive Leadership – L1.2 Represent and advocate community needs

A Region of Progressive Leadership – L2.1 Transparency and accountability of government

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## 9.2 TAMWORTH REGIONAL COUNCIL - PROPOSED 2022/2023 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 2022/2023 Fees and Charges”, Council approves in principle the fees and charges proposed for the 2022/2023 financial year as per the attached documents for inclusion in the draft 2022/2023 Annual Operational Plan.*

### **SUMMARY**

The purpose of this report is to present to Council the proposed 2022/2023 Fees and Charges, and to obtain approval in principle in advance of preparing the draft 2022/2023 Annual Operational Plan (AOP). The proposed 2022/2023 documents **ATTACHED**, are:

- **ANNEXURE 1** - Tamworth Regional Council – Draft Fees and Charges 2022/2023;
- **ANNEXURE 2** - Tamworth Regional Council – Draft Discontinued Fees and Charges 2022/2023; and
- **ANNEXURE 3** - Tamworth Regional Council – Draft New Fees and Charges 2022/2023.

### **COMMENTARY**

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/early May 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 on their operations. 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 allow businesses to plan for the forthcoming year.

It is planned to have the draft 2022/2023 AOP ready for adoption by Council for public exhibition at the meeting to be held 10 May 2022. 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 and June 2022 with the 2022/2023 Annual Operational Plan.

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

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

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**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.*

**T087/2022 - SUPPLY AND DELIVERY OF 5 X WIDE AREA MOWERS**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Sebastian Lees, Technical Officer Plant and Supply**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

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**

This tender is for the acquisition of five wide area mowers. These new wide area mowers will be utilised across the entire Tamworth Local Government area, primarily within all open spaces, including sports ovals, parks and other reserves.

**LANGENS LANE, MOORE CREEK - LAND ACQUISITION FOR ROAD REALIGNMENT AND TRANSFER OF PROPOSED PART ROAD CLOSURE**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Callum Fletcher, Senior Project Engineer**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c) of the local Government Act 1993 on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

**SUMMARY**

This report seeks Council approval for the closure of a section of the Langens Lane road reserve and the transfer of this land, following closure and classification as operational land, to the adjacent land owner as part of a 'land swap' agreement. This land swap will include acquiring a portion of land from the adjacent land owner to enable the proposed safety realignment of Langens Lane where it intersects with Moonbi Gap Road.

**T114/2022 - COUNTRY ROAD ROUNDABOUT STREET LIGHTING CONSTRUCTION**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Mark Gardiner, Manager Project Planning and Delivery**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

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 acceptance of a Tender for the supply, installation and commissioning of street lighting for the Oxley Highway and Country Road roundabout in accordance with the certified design drawings.