



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 **Lands Building Nemingha Room, 25-27 Fitzroy Street, Tamworth**, commencing at **6:30pm**.

LATE ITEMS ORDINARY COUNCIL AGENDA

23 AUGUST 2022

**PAUL BENNETT
GENERAL MANAGER**

Order of Business

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Council

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

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

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

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

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

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

Community Consultation Policy

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

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

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

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone, in person or online prior to 4:30pm the day 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).

LATE AGENDA

8 INFRASTRUCTURE AND SERVICES

8.2 EASEMENT OVER GOONAN STREET TO PROVIDE RIGHT OF WAY FOR RAILWAY

DIRECTORATE: REGIONAL SERVICES

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

Reference: Item 8.1 to Ordinary Council 9 March 2021 - Minute No 52/21

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Easement Over Goonan Street to Provide Right of Way for Railway”, Council:

- (i) authorise the General Manager to approve the creation of a right of carriageway rail easement across the Goonan Street road reserve to allow the future operator of the Tamworth Intermodal Freight facility to bring trains into the Tamworth Global Gateway Park;*
- (ii) authorise the affixing of the Seal of Council to plans and any other documents required to give effect to Council’s resolution; and*
- (iii) note the Plan of Subdivision for Stages 1 and 2 of the Tamworth Global Gateway Park including Lot 101, the proposed Tamworth Intermodal Freight Facility.*

SUMMARY

The purpose of this report is to seek Council’s approval to authorise the General Manager to approve the creation of an easement over the Goonan Street road reserve to provide a connection, and an access for rail, between the State owned rail corridor to the Tamworth Global Gateway Park boundary. This requirement was requested by the proposed operator of the Tamworth Intermodal Freight Facility to ensure rail access to the facility is legally protected.

COMMENTARY

Background

The Tamworth Global Gateway Park (TGGP) is the site of the proposed Tamworth Intermodal Freight Facility (TIFF). The TIFF will be a rail/road transport interface to allow rail freight to/from Tamworth to become an available option for Tamworth businesses.

In formalising the agreements between Council and Qube, the proposed operator of the TIFF, Qube have requested that legal arrangements be provided to ensure access for trains is available between the State owned (and operated) rail corridor and the site for the TIFF.

The subdivision plans for Stages 1 and 2 of the TGGP are **ATTACHED**, refer **ANNEXURE 1**. The site for the TIFF is Lot 101 on the plans. Access to the rail corridor is provided from the TIFF over Lot 100 and the Goonan Street road reserve, utilising an easement for right of carriageway rail.

The authority to establish the easement over Lot 100 has previously been approved by Council as per Item 8.1 to Ordinary Council 9 March 2021, Minute No 52/21. This report

seeks to authorise the General Manager to approve the creation of an easement with a right of carriageway rail over the Goonan Street road reserve. This is to provide surety for the operator of the TIFF to have full rail access from the State rail corridor to the TGGP.

(a) Policy Implications

Nil

(b) Financial Implications

Survey, legal and land registry costs and fees associated with the creation of easements will be funded from the existing budgets established for the construction of TGGP development. These budgets have previously been approved as per Item 9.1 to Ordinary Council 8 September 2020, Minute No 275/20.

(c) Legal Implications

Landowner's consent for the creation of easements requires the General Manager's approval, and in some instances may require the affixing of the Seal of Council.

The Local Government (General) Regulation 2005, Clause 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

Blueprint 100 notes the TGGP as the key employment growth area for the region. The document was on public exhibition from 2 March 2020 to 9 April 2020, in conjunction with print media, social media, media releases and community consultation sessions held in Tamworth, Manilla, Barraba, Nundle, and Kootingal.

(e) Delivery Program Objective/Strategy

Focus Area 5 – Connect our region and its citizens
