



# TAMWORTH REGIONAL COUNCIL

## ORDINARY COUNCIL MINUTES

of the **Meeting of Tamworth Regional Council** held in the **Council Chambers**,  
**Lands Building, Nemingha Room, 25-27 Fitzroy Street, Tamworth**

### 27 FEBRUARY 2024

**PAUL BENNETT**  
**GENERAL MANAGER**



# ORDINARY COUNCIL MINUTES

Meeting of Tamworth Regional Council held in the Council Chambers, Lands Building,  
Nemingha Room, 25-27 Fitzroy Street, Tamworth  
**TUESDAY 27 FEBRUARY 2024 at 6:30PM**

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**PRESENT:** Cr Phil Betts, Cr Bede Burke, Cr Judy Coates (Deputy Mayor), Cr Stephen Mears, Cr Marc Sutherland, Cr Mark Rodda, Cr Helen Tickle.

**IN ATTENDANCE:** Director Liveable Communities, Acting Director Growth and Prosperity, Director Regional Services, Director Water and Waste, and Executive Manager Strategy and Performance.

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## **1 APOLOGIES AND LEAVE OF ABSENCE**

An apology was announced as having been received from Mayor Cr Russell Webb who is unable to attend the Meeting due to being out of the city on business.

An apology was announced as having been received from Mayor Cr Russell Webb who is unable to attend the Meeting due to personal leave.

### **MOTION**

#### **Moved Cr Tickle/Cr Betts**

That the apology be accepted and Mayor Cr Russell Webb be granted leave of absence from the Meeting.

That the apology be accepted and Cr Brooke Southwell be granted leave of absence from the Meeting.

**19/24 RESOLVED**

## **2 COMMUNITY CONSULTATION**

### **.1 PLANNING PROPOSAL - PHASE 1 REVIEW OF THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010**

The speaker spoke in support of the recommendation.

### **SUSPENSION OF STANDING ORDERS**

#### **Moved Cr Burke/Cr Rodda**

**20/24 RESOLVED**

As a result of the speaker requesting additional time after the conclusion of the allocated three minutes to conclude his submissions to Council, Councillors agreed to a Suspension of Standing orders and brought forward for consideration.

### **RESUMPTION OF STANDING ORDERS**

At 6.37pm Council resumed its normal business.

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### **3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL**

#### **MOTION**

#### **Moved Cr Betts/Cr Burke**

That the Minutes of the Ordinary Meeting held on Tuesday, 13 February 2024, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

**21/24 RESOLVED**

### **4 DISCLOSURE OF INTEREST**

Nil

### **5 MAYORAL MINUTE**

Nil

### **6 NOTICE OF MOTION**

Nil

### **OPEN COUNCIL REPORTS**

### **7 ENVIRONMENT AND PLANNING**

#### **7.1 PLANNING PROPOSAL - PHASE 1 REVIEW OF THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010**

**DIRECTORATE:**

**LIVEABLE COMMUNITIES**

**AUTHOR:**

**Mitchell Gillogly, Team Leader – Strategic Planning  
Christopher Faley, Strategic Planner**

#### **MOTION**

#### **Moved Cr Mears/Cr Sutherland**

That in relation to the report “Planning Proposal - Phase 1 Review of the Tamworth Regional Local Environmental Plan 2010”, Council:

- (i) prepare a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979, for the amendment of the provisions of the Tamworth Regional Local Environmental Plan 2010, in relation to the Phase 1 items generally described in this report;
- (ii) forward the Planning Proposal to the Department of Planning, Housing and Infrastructure requesting a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979, with the submission to include a request to issue Council with Delegation to be the plan making authority;

- (iii) grant delegation to the Director Liveable Communities to make any necessary changes to the Planning Proposal prior to public exhibition in response to the conditions of the Gateway Determination and negotiations with stakeholders;
- (iv) publicly exhibit the planning proposal in accordance with the conditions of the Gateway Determination and Council's Community Participation Plan 2019; and
- (v) receive a further report following public exhibition of the Planning Proposal detailing any submissions received.

**22/24 RESOLVED**

**7.2 PROPOSED ROAD NAMES FOR APPROVED NEW WINTON BUSINESS PARK SUBDIVISION - STAGES 2, 3 AND 4 (LOTS 220-222 DP 1276023)**

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Kathleen See-Kee, Development Support Officer

**MOTION**

**Moved Cr Burke/Cr Tickle**

That in relation to the report "Proposed Road Names for Approved New Winton Business Park Subdivision - Stages 2, 3 and 4 (Lots 220-222 DP 1276023)", Council:

- (i) approve in principle the road names: 'Technology' Avenue, 'Enterprise' Drive and 'Commerce' Close;
- (ii) advertise the proposed road names as required by the Roads Act 1993 Section 162, Roads Regulation 2018 Part 2 Division 1 Section 7 to enable interested parties the opportunity to make comment; and
- (iii) provided no submissions are made which object to the proposed road names, proceed to publish the adopted names in the Government Gazette.

**23/24 RESOLVED**

## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE - MEETING 7 FEBRUARY 2024**

**DIRECTORATE:**  
**AUTHOR:**

**REGIONAL SERVICES**  
**Steven Marshall, Strategy, Assets and Design Engineer**

#### **MOTION**

##### **Moved Cr Tickle/Cr Betts**

That in relation to the report “Tamworth Regional Local Traffic Committee - Meeting 7 February 2024”, Council:

- (i) approves the new Give Way signs, painted median and associated line marking on both Kia Ora Lane approaches with the New England Highway, Timbumburi;
- (ii) request that the Tamworth Regional Local Traffic Committee change the timing restrictions for installation of two parking spaces on Darling Street, Tamworth to be 15 minutes;
- (iii) approves the installation of a Give Way sign and associated line marking on Curtiss Close, Taminda;
- (iv) approves the installation of No Entry signs on Guda Street, Westdale;
- (v) approves the installation of new No Stopping signs on Robert Street and David Street, South Tamworth;
- (vi) approves the installation of No Stopping signs on the western side of Caroline Street, Bendemeer, from the Havannah Street intersection to approximately 62m north;
- (vii) approves the installation of No Stopping signs either side of the car park exit on Dean Street, North Tamworth;
- (viii) approves the installation of No Stopping signs around the Avro Street and Barnes Street intersection in Taminda;
- (ix) approves the proposed construction of a new intersection on Duri Road, to enter the Arcadia West Estate, Hillvue;
- (x) approves the proposed Zebra crossings, signage and line marking at the Tamworth Regional Airport;
- (xi) approves the installation of a No Overtaking or Passing sign on the western approach, and a Give Way sign on the eastern approach, of the proposed Kiaora No.1 bridge replacement project on Rocky Gully Road, Bendemeer;
- (xii) approves the installation of a No Overtaking or Passing sign on the western approach, and a Give Way sign on the eastern approach, of the proposed Allambie Bridge replacement project on Tilmunda Road, Bendemeer;
- (xiii) approves the installation of a No Overtaking or Passing sign on the western approach, and a Give Way sign on the eastern approach, of the proposed Walters Bridge replacement project on Kelso’s Lane, Bithramere; and



- (xiv) approves the installation of a No Overtaking or Passing sign on the western approach, and a Give Way sign on the eastern approach of the proposed Bona Vista Bridge (Norris's) replacement project on Top Somerton Road, Somerton.

**24/24 RESOLVED**

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

### **9.1 COUNCIL INVESTMENTS DECEMBER 2023 AND JANUARY 2024**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Sherrill Young, Manager - Financial Services  
Lauren McPherson, Senior Accountant

#### **MOTION**

##### **Moved Cr Betts/Cr Sutherland**

That in relation to the report "Council Investments December 2023 and January 2024", Council receive and note the report.

**25/24 RESOLVED**

### **9.2 NSW TREASURY CORPORATION AMENDMENT TO LOAN AGREEMENTS**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Sherrill Young, Manager - Financial Services

#### **MOTION**

##### **Moved Cr Tickle/Cr Sutherland**

That in relation to the report "NSW Treasury Corporation Amendment to Loan Agreements", Council authorises the affixing of the Seal of the Council to Amendments to Loan Agreements – Tamworth Regional Council ATTACHMENT 1.

**26/24 RESOLVED**

**9.3 RATEPAYERS PENSIONER POLICY, DEBT RECOVERY POLICY FOR PROPERTY DEBTS, RATEPAYERS HARDSHIP POLICY - PUBLIC EXHIBITION, SUBMISSIONS AND FINAL POLICIES**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Sherrill Young, Manager - Financial Services  
**Reference:** Item 9.5 to 9.7 Inclusive to Ordinary Council 12 December 2023 - Minute No. 340-342/23

**MOTION**

**Moved Cr Sutherland/Cr Betts**

That in relation to the report “Ratepayers Pensioner Policy, Debt Recovery Policy for Property Debts, Ratepayers Hardship Policy - Public Exhibition, Submissions and Final Policies”, Council adopt the revised “Ratepayers Pensioner Policy, Debt Recovery Policy for Property Debts and Ratepayers Hardship Policy”.

**27/24 RESOLVED**

**9.4 2023/2024 QUARTERLY BUDGET REVIEW STATEMENTS TO 31 DECEMBER 2023.**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Sherrill Young, Manager - Financial Services  
Michael Gould, Management Accountant  
**Reference:** Item 9.5 to Ordinary Council 29 June 2023 - Minute No 146/23  
Item 9.1 to Ordinary Council 24 October 2023 - Minute No 273/23

**MOTION**

**Moved Cr Burke/Cr Tickle**

That in relation to the report “2023/2024 Quarterly Budget Review Statements to 31 December 2023.” Council receive and note the report and related statements.

**28/24 RESOLVED**

## **9.5 ANNUAL OPERATIONAL PLAN 2023/2024 BUDGET VARIATION REPORT - DECEMBER 2023 AND JANUARY 2024**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Sherrill Young, Manager - Financial Services

**Reference:** Item 9.5 to Ordinary Council 29 June 2023 - Minute No 146/23

### **MOTION**

#### **Moved Cr Betts/Cr Mears**

That in relation to the report “Annual Operational Plan 2023/2024 Budget Variation Report - December 2023 and January 2024”, Council note and approve the variations to the existing budget as listed in ATTACHED refer ANNEXURE 1 to the report.

**29/24 RESOLVED**

## **10 COMMUNITY SERVICES**

### **10.1 TAMWORTH REGION ARTS ADVISORY COMMITTEE AND TAMWORTH REGION INCLUSIVE CULTURE ADVISORY COMMITTEE JOINT MEETING - 10 JANUARY 2024**

**DIRECTORATE:** LIVEABLE COMMUNITIES  
**AUTHOR:** Bridget Guthrie, Director Art Gallery and Museums  
Kay Delahunt, Manager - Cultural and Community Services

### **MOTION**

#### **Moved Cr Betts/Cr Mears**

That in relation to the report “Tamworth Region Arts Advisory Committee and Tamworth Region Inclusive Culture Advisory Committee Joint Meeting - 10 January 2024”, Council:

- (i) receive and note the Minutes;
- (ii) invite industry experts to a meeting/briefing with the Tamworth Region Inclusive Culture Advisory Committee and Councillors to discuss attracting and retaining medical professionals to Tamworth as well as the shortage of specialist health services;
- (iii) engage a videographer, to the value of \$5,000 annually, to record footage of Council’s major events for the purpose of marketing the Tamworth region as an inclusive and diverse community; and
- (iv) support an investigation of the potential to erect a bronze statue of Roger Knox in Peel Street.

**30/24 RESOLVED**

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

At 7.14pm, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council.

The General Manager advised the Chairperson that no written public submissions or representations had been received as to whether or not part of the Meeting should be closed to the public. The Chairperson asked any members of the Council whether any part of the Council Meeting should not be considered in Closed Council.

### **MOTION**

#### **Moved Cr Mears/Cr Sutherland**

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.

### **31/24 RESOLVED**

#### **PROPOSED LICENCE OF CAR PARKING SPACES AT TAMWORTH REGIONAL AIRPORT**

**DIRECTORATE: GROWTH AND PROSPERITY**

**AUTHOR: Nicholas Hawkins, Commercial Property Officer**

**Reference: Item 14.2 to Ordinary Council 10 October 2017 - Minute No 344/17  
Item 12.3 to Ordinary Council 27 October 2020 - Minute No 335/20**

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c)&(d)ii 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. and information that would, if disclosed, confer a commercial advantage on a competitor of Council.

#### **AMENDMENT TO RESOLUTION FOR COMPULSORY ACQUISITION OF A PORTION OF PROPERTY FOR THE CONSTRUCTION OF A NEW WATER RESERVOIR - CHURCHILL DRIVE**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Justin Lalor, Strategy Engineer**

**Reference: Item 12.4 to Ordinary Council 28 November 2023 - Minute No 317/23**

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c)&(d)i 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. and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

## **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.

## 12 CLOSED COUNCIL REPORTS

### 12.1 PROPOSED LICENCE OF CAR PARKING SPACES AT TAMWORTH REGIONAL AIRPORT

**DIRECTORATE:** GROWTH AND PROSPERITY  
**AUTHOR:** Nicholas Hawkins, Commercial Property Officer  
**Reference:** Item 14.2 to Ordinary Council 10 October 2017 - Minute No 344/17  
Item 12.3 to Ordinary Council 27 October 2020 - Minute No 335/20

#### MOTION

##### Moved Cr Tickle/Cr Betts

That in relation to the report “Proposed Licence of Car Parking Spaces at Tamworth Regional Airport”, Council:

- (i) authorise the Mayor and General Manager to negotiate new licence agreements as set out in the body of this report; and
- (ii) authorise the Seal of Council to be affixed to the licence agreements and any other associated documents.

**32/24 RESOLVED**

### 12.2 AMENDMENT TO RESOLUTION FOR COMPULSORY ACQUISITION OF A PORTION OF PROPERTY FOR THE CONSTRUCTION OF A NEW WATER RESERVOIR - CHURCHILL DRIVE

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Justin Lalor, Strategy Engineer  
**Reference:** Item 12.4 to Ordinary Council 28 November 2023 - Minute No 317/23

#### MOTION

##### Moved Cr Burke/Cr Rodda

That in relation to the report “Amendment to Resolution for Compulsory Acquisition of a Portion of Property for the Construction of a New Water Reservoir - Churchill Drive”, Council:

- (i) rescind the resolution from item 12.4 to Ordinary Council 28 November 2023 – Minute No 317/23;
- (ii) proceed with the compulsory acquisition of part of the land described as Lot 14 Deposited Plan 1188560 for the construction of a new water reservoir in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991;
- (iii) Council make application to the Minister and the Governor for approval to acquire part of Lot 14 Deposited Plan 1188560 by compulsory process under s 187 of the Local Government Act 1993; and
- (iv) allocate funding from the Water Reserve to cover costs associated with the

compulsory acquisition and the purchase of the subject property.

**33/24 RESOLVED**

### **13 RESOLUTIONS PASSED IN CLOSED COUNCIL**

#### **MOTION**

**Moved Cr Burke/Cr Betts**

That Council move into Open Council.

**34/24 RESOLVED**

At 7.25pm the meeting moved back into Open Council.

In accordance with the Tamworth Regional Council Code of Meeting Practice, Section 14.21, the Chairperson provided a summary of the resolutions passed in Closed Council.

**Closure:** There being no further business the Ordinary Meeting of Council concluded at 7.28pm.

Cr Judy Coates, Chairperson

Tuesday, 27 February 2024

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