



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

26 MARCH 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 26 MARCH 2024 at 6:30PM

Table of Contents

ITEM	SUBJECT	PAGE NO
1	APOLOGIES AND LEAVE OF ABSENCE	3
46/24	RESOLVED	3
2	COMMUNITY CONSULTATION	3
	6.1 NOTICE OF MOTION – CR JUDY COATES - ACCOMMODATION AND HOUSING SHORTAGE.....	3
3	MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL	3
47/24	RESOLVED	3
4	DISCLOSURE OF INTEREST	4
5	MAYORAL MINUTE	4
6	NOTICE OF MOTION.....	4
	6.1 ACCOMODATION AND HOUSING SHORTAGE	4
	OPEN COUNCIL REPORTS	5
7	ENVIRONMENT AND PLANNING.....	5
	7.1 PROPOSED ROAD NAME FOR APPROVED STAGED DEVELOPMENT DA0618/2004 LOT 33 DP 1116271, CALALA RN2024-0069.....	5
48/24	RESOLVED	5
8	INFRASTRUCTURE AND SERVICES.....	5
	8.1 2024 MURRAY DARLING ASSOCIATION CONFERENCE AND ANNUAL GENERAL MEETING TO BE HELD IN TAMWORTH	5
49/24	RESOLVED	5
	8.2 NSW PRODUCTIVITY COMMISSION - ALTERNATIVE FUNDING MODELS FOR LOCAL WATER UTILITIES	6
50/24	RESOLVED	6
	8.3 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - 6 MARCH 2024	6
51/24	RESOLVED	6
	8.4 ELECTRIC VEHICLE STRATEGY AND ELECTRIC VEHICLE CHARGING ON PUBLIC LAND POLICY	7
52/24	RESOLVED	7

9	GOVERNANCE, STRATEGY AND FINANCE	8
	9.1 COUNCIL INVESTMENTS FEBRUARY 2024	8
53/24	RESOLVED	8
	9.2 PLACE MANAGEMENT UPDATE - SECTION 355 COMMITTEE MINUTES	8
54/24	RESOLVED	8
	9.3 2024 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - MOTIONS FOR SUBMISSION	11
55/24	RESOLVED	11
	9.4 ANNUAL OPERATIONAL PLAN 2023/2024 BUDGET VARIATION REPORT - FEBRUARY 2024	12
56/24	RESOLVED	12
10	COMMUNITY SERVICES	12
11	REPORTS TO BE CONSIDERED IN CLOSED COUNCIL	13
57/24	RESOLVED	13
	E053-2024 - EXPRESSION OF INTEREST - POSSIBLE LEASE OF LAND AT 8 RESERVOIR ROAD MANILLA	13
12	CLOSED COUNCIL REPORTS	15
	12.1 E053-2024 - EXPRESSION OF INTEREST - POSSIBLE LEASE OF LAND AT 8 RESERVOIR ROAD MANILLA	15
58/24	RESOLVED	15
13	RESOLUTIONS PASSED IN CLOSED COUNCIL	16
59/24	RESOLVED	16

PRESENT: Cr Russell Webb (Mayor), Cr Phil Betts, Cr Bede Burke, Cr Judy Coates, Cr Brooke Southwell, Cr Mark Rodda, Cr Helen Tickle.

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

1 APOLOGIES AND LEAVE OF ABSENCE

An apology was announced as having been received from Cr Stephen Mears who is unable to attend the Meeting due to personal overseas travel and Cr Marc Sutherland.

MOTION

Moved Cr Betts/Cr Burke

That the apology be accepted and Cr Stephen Mears and Cr Marc Sutherland be granted leave of absence from the Meeting.

46/24 RESOLVED

2 COMMUNITY CONSULTATION

6.1 NOTICE OF MOTION – CR JUDY COATES - ACCOMMODATION AND HOUSING SHORTAGE

Peter Gill – Spoke in support of the recommendation.

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Coates/Cr Rodda

That the Minutes of the Ordinary Meeting held on Tuesday, 12 March 2024, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

47/24 RESOLVED

4 DISCLOSURE OF INTEREST

Cr Southwell declared a conflict of interest in Item 9.2 Place Management Update - Section 355 Committee Minutes of the Business Paper, for the reason that her uncle is the chair of the Piallmore Recreational Reserve. Cr Southwell further declared that this was a less than significant, non-pecuniary interest and would remain in the Chamber.

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

6.1 NOTICE OF MOTION – CR JUDY COATES - ACCOMMODATION AND HOUSING SHORTAGE

MOTION

That Council;

- (i) identify what the potential accommodation needs (and therefore gaps) will be for the next 6-18 months by using our calendar of future booked events, and comparing with historical data around past sporting, entertainment and conference events as well as our tourism industry;
- (ii) hold a workshop as a matter of urgency to discuss what current accommodation options exist and possible future options there may be such as home hosting, caravan hire and similar; and
- (iii) identify what Council needs to do to facilitate, support and achieve that objective, while still maintaining amenity in the environment.

MOTION DEFEATED

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 PROPOSED ROAD NAME FOR APPROVED STAGED DEVELOPMENT DA0618/2004 LOT 33 DP 1116271, CALALA RN2024-0069

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Christine Smith, Development Support Officer

MOTION

Moved Cr Southwell/Cr Rodda

That in relation to the report “Proposed Road Name for Approved Staged Development DA0618/2004 Lot 33 DP 1116271, Calala RN2024-0069”, Council:

- (i) approve in principle the road name ‘Evergreen’ Way;
- (ii) advertise the proposed road name 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 name, proceed to publish the adopted name in the Government Gazette.

48/24 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 2024 MURRAY DARLING ASSOCIATION CONFERENCE AND ANNUAL GENERAL MEETING TO BE HELD IN TAMWORTH

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director - Water and Waste
Reference: Item 8.1 Ordinary Council Meeting 12 September 2023
Minute No 223/23

MOTION

Moved Cr Betts/Cr Burke

That in relation to the report “2024 Murray darling Association Conference and Annual General Meeting to be held in Tamworth”, Council;

- (i) defer consideration of providing additional financial support to the Murray Darling Association for staging the 2024 Conference and Annual General Meeting in Tamworth to a future meeting of Council and pending further discussion with the Association about financial arrangements; and
- (ii) authorise the Mayor of Tamworth Regional Council to attend the 2024 Murray Darling Association Conference and Annual General Meeting.

49/24 RESOLVED

8.2 NSW PRODUCTIVITY COMMISSION - ALTERNATIVE FUNDING MODELS FOR LOCAL WATER UTILITIES

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

MOTION

Moved Cr Coates/Cr Betts

That in relation to the report “NSW Productivity Commission - Alternative Funding Models for Local Water Utilities”, Council agrees to provide a submission to the NSW Productivity Commission as per the submission attached to this report.

50/24 RESOLVED

8.3 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - 6 MARCH 2024

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Steven Marshall, Strategy, Assets and Design Engineer

MOTION

Moved Cr Coates/Cr Betts

That in relation to the report “Tamworth Regional Local Traffic Committee Meeting - 6 March 2024”, Council:

- (i) approve the road closures on 25 April 2024 for the purposes of holding the Tamworth ANZAC Day march;
- (ii) approve the closure of Brisbane Street, East Tamworth, from Napier Street to Upper Street, from 4.30am to 6.00am on 25 April 2024, for the purpose of holding the Tamworth ANZAC Day dawn service;
- (iii) approve the proposed traffic impacts and road closures as a result of the ANZAC Day events in Barraba, Manilla, Attunga, Somerton, Kootingal, Bendemeer and Nundle;
- (iv) approve the relocation of the existing Bus Stop (Stop #234038) on Dean Street, East Tamworth including the associated J-Pole, hardstand and signage; and
- (v) defer the approval of the installation of a new right-hand turn lane on the eastern approach to the Calala Lane and Campbell Road roundabout, modifying the central median and installation of the associated signs and line marking.

51/24 RESOLVED

8.4 ELECTRIC VEHICLE STRATEGY AND ELECTRIC VEHICLE CHARGING ON PUBLIC LAND POLICY

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Lawrence, Sustainability Officer - Energy

MOTION

Moved Cr Burke/Cr Coates

That in relation to the report “Electric Vehicle Strategy and Electric Vehicle Charging on Public Land Policy”, Council:

- (i) endorse the Electric Vehicle Strategy;
- (ii) endorse the Electric Vehicle Charging on Public Land Policy including the following key elements;
 - a. allow EV charging stations to be installed in Tamworth’s public Central Business District (CBD) carparks;
 - b. set a cap of 12 EV charge points in public carparks in Tamworth’s CBD;
 - c. an upfront charge of 50% of the relevant charge – see Council Fees and Charges - Planning, Building, Development| Development Contributions, Tamworth Urban Section 94 Contributions Plan 2006-2011 (f) CBD Carparking as updated from time to time (in 2023/2024 this charge is \$20,636.50) will be charged for each public carpark removed from service and located in the Tamworth CBD;
 - d. an annual charge of \$2,000.00 will be charged for each public carpark removed from service and located in the Tamworth CBD
 - e. an annual charge of \$500.00 will be charged for each public carpark removed from service and located outside the Tamworth CBD;
 - f. lease period is 5 years;
 - g. electrical connections and electrical upgrades needed to install EV chargers are at the cost and responsibility of the providers;
 - h. Providers are to pay for all Energy use that EV chargers consume
 - i. Installation, maintenance and removal associated with the operation of any given EV charging station is the responsibility and cost of the provider;
 - j. the minimum size charger that can be installed on public land is 50KW; and
 - k. any EV chargers installed on public land must be able to charge all new models of EVs in Australia.
- (iii) agree to place the Electric Vehicle Strategy and the Electric Vehicle Public Charging on Public Land policy on public display for a period of not less than 28 days;
- (iv) request the Director of Water and Waste provide a further report to Council following the public submission period; and
- (v) advise EVIE and the NRMA that should they wish to provide EV chargers on

public land in the short term, they must agree to the terms of the Electric Vehicle Public Charging on Public Land Policy as placed on public display.

52/24 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 COUNCIL INVESTMENTS FEBRUARY 2024

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

MOTION

Moved Cr Coates/Cr Southwell

That in relation to the report “**Error! No document variable supplied.**”, Council receive and note the report.

53/24 RESOLVED

9.2 PLACE MANAGEMENT UPDATE - SECTION 355 COMMITTEE MINUTES

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Kay Burnes, Team Leader - Place Management

MOTION

Moved Cr Coates/Cr Betts

That in relation to the report “Place Management Update - Section 355 Committee Minutes”, Council:

- (i) receive and note the Minutes of the following Committees

Barraba Showground Committee	2 November 2023
Barraba Showground Committee	6 December 2023
Grey Fergie Tractor Muster Committee	3 February 2024
Limbri Public Hall and Recreation Reserve Local Committee	30 October 2023
Limbri Public Hall and Recreation Reserve Local Committee AGM	4 December 2023
Loomberah Hall Committee	18 October 2023
Manilla Matters Committee	17 August 2023
Manilla Matters Committee	14 September 2023
Manilla Matters Committee AGM	12 October 2023
Manilla Matters Committee	12 October 2023
Manilla Matters Committee	9 November 2023
Manilla Matters Committee	14 December 2023
Manilla Matters Committee	20 January 2024
Manilla Matters Committee	8 February 2024

- | | |
|--|--------------------|
| Moore Creek Hall and Reserve Committee AGM | 12 October 2023 |
| Moore Creek Hall and Reserve Committee | 16 November 2023 |
| Nemingha Hall and Reserve Committee | 4 October 2023 |
| Nemingha Hall and Reserve Committee | 1 November 2023 |
| Nundle Common Trust | 4 December 2023 |
| Nundle Common Trust | 4 March 2024 |
| Piallamore Recreation Reserve Committee AGM | 31 August 2023 |
| Piallamore Recreation Reserve Committee | 31 August 2023 |
| Piallamore Recreation Reserve Committee | 1 November 2023 |
| Tamworth Regional Film and Sound Archive | 7 November 2023 |
| Weabonga Hall and Recreation Reserve Local Committee | 5 November 2023 |
| Woolbrook Hall and Park Committee AGM | 25 September 2023 |
| Woolbrook Hall and Park Committee | 25 September 2023; |
- (ii) accept the nomination of Cody Taylor as a member of the Grey Fergie Tractor Muster Committee as an outcome of the Committee's Ordinary Meeting held 3 February 2024;
- (iii) appoint the following executive members and members to the Limbri Public Hall and Recreation Reserve Local Committee as an outcome of the Committee's Annual General Meeting held on 4 December 2023:
- | | |
|---------------------|-----------------|
| Chairperson | Jane Daly |
| Secretary | Julia James |
| Treasurer | Terri Moore |
| Assistant Treasurer | Sarah Bradfield |
- Members: Phil Gaynor, Kathy Gaynor, Raymond Coleman, Sharon Roughley, Ross Doak, Beryl Doak, Peter Barsoum, Ella Barsoum, Sarah Bradfield, Chris Blackmore, Brett Nies, Lisa Nies, Neville Case and Jennifer Case;
- (iv) accept the resignation of Derani Barwick as a member of the Loomberah Hall Committee as an outcome of the Committee's Ordinary Meeting held 18 October 2023;
- (v) appoint the following executive member and members to the Manilla Matters Committee as an outcome of the Committee's Annual General Meeting held on 12 October 2023:
- | | |
|-----------|-----------------|
| Treasurer | David Ridgewell |
|-----------|-----------------|
- Members: Gwen Taylor, Richard Bell, Emily McDonald, Kathleen Phelps, Breanna Robertson, Jim Maxwell, Frank McNamara, Isis Ashton;
- (vi) appoint the following executive member and members to the Manilla Matters Committee as an outcome of the Committee's General Meeting held on 18 January 2024:
- | | |
|-------------|-------------|
| Chairperson | Kate Phelps |
|-------------|-------------|
- Members: Greg Phelps, Tamara Phelps and Kris Herle;
- (vii) appoint the following executive member to the Manilla Matters Committee as an outcome of the Committee's General Meeting held on 8 February 2024:
- | | |
|-----------|--------------|
| Secretary | Greg Phelps; |
|-----------|--------------|
- (viii) appoint the following executive members and members to the Moore Creek Hall and Recreation Reserve Committee as an outcome of the Committee's Annual

General Meeting held on 12 October 2023:

Chairperson	Emma Rust
Deputy Chairperson	Megan Jameson
Secretary	Megan Jameson
Treasurer	Tom Fulwood
Booking Officer	Tom Fulwood

Members: Libby Campbell, Andree Fulwood, Linda Whitworth, Carrie Galliano, Doug Barry, Sonia Bennik and Judy Shorten;

- (ix) accept the resignation of Marie Hawkins as Treasurer of the Nemingha Hall and Reserve Committee as an outcome of the Committee's Ordinary Meeting held 1 November 2023;
- (x) appoint Angus Newcombe as Treasurer of the Nemingha Hall and Reserve Committee as an outcome of the Committee's Ordinary Meeting held 1 November 2023;
- (xi) appoint the following executive members and members to the Piallamore Recreation Reserve Committee as an outcome of the Committee's Annual General Meeting held on 31 August 2023:

Chairperson	Mark Stass
Deputy Chairperson	Robert Hutt
Secretary	Jo-Anna Heenan
Treasurer	Jo-Anna Heenan
Booking Officer	Mark Stass; and

- (xii) appoint the following executive members and members to the Woolbrook Hall and Park Committee as an outcome of the Committee's Annual General Meeting held on 25 September 2023:

Chairperson	Anthony Hailing
Deputy Chairperson	Timothy Laurie
Secretary	Belinda Laurie
Treasurer	Natalie Clifford
Booking Officer	Belinda Laurie

Members: Michael Pullen, Gary Olrich, Rhonda Olrich, David Allerton, Shienna Allerton, Richard Prior, Jocelyn Denny, Ruby Denny, Chelsea Denny, Kylie Matthews, Janelle Smith, Alison Greenhalgh, Jessica Goodwin, Janine Wright and Mark Riordan.

54/24 RESOLVED

9.3 2024 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - MOTIONS FOR SUBMISSION

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Lisa May, Office of the General Manager Administrator
Reference: Item 9.1 to Ordinary Council 13 February 2024 - Minute No 7/24

MOTION

Moved Cr Southwell/Cr Betts

That in relation to the report “2024 National General Assembly of Local Government - Motions for Submission”, Council:

- (i) authorise the motion; that the National General Assembly calls on the Australian Government to provide more direction, leadership and funding for increasing the level of recycling being undertaken in Australia;
- (ii) authorise the motion; that the National General Assembly calls on the Australian Government to commence an education campaign to educate the people of Australia about water recycling, including direct potable reuse of water, and provide a national framework for the approval of water recycling projects;
- (iii) authorise the motion; that the National General Assembly calls on the Australian Government to urgently address the critical shortfall in Financial Assistance Grants to Local Government, with a particular focus on a significant increase in road funding following the accelerated deterioration of the national road network due to ongoing intense climatic and weather events over a sustained period;
- (iv) authorise the motion; that the National General Assembly calls on the Australian Government to provide more funding for the delivery of essential infrastructure in rural and regional areas required for new housing, including in-fill housing development;
- (v) authorise the motion; that the National General Assembly calls on the Australian Government to consider that proceeds from the sale of a family home when downsizing (into a smaller property) be exempt from inclusion in the pension asset test for the remainder of the life of the individual or couple;
- (vi) authorise the motion; that the National General Assembly calls on the Australian Government to recognise through the Medicare Rebate system well skilled and credentialed Mental Health Nurses and other associated and registered Mental Health practitioners, following triage and referral to an appropriate level of intervention by the GP;
- (vii) authorise the motion; that the National General Assembly calls on the Australian Government to provide regionally significant large events and regional/rural tourist attracting facilities with insurance subsidies to facilitate the ongoing viability of the events and facilities
- (viii) authorise the motion; that the National General Assembly calls on the Australian government to provide funding to all local government pounds throughout Australia to enable the desexing of all adoptable cats that are handed into a pound facility, to reduce the significant impact that cats have on Australia's biodiversity.
- (ix) authorise the motion; that the National General Assembly calls on the Australian

government to fund the first 12 months of wages for apprenticeships and traineeships and 50% reimbursement thereafter until their training is complete in all Local Governments throughout Australia

55/24 RESOLVED

9.4 ANNUAL OPERATIONAL PLAN 2023/2024 BUDGET VARIATION REPORT - FEBRUARY 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 Burke

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

56/24 RESOLVED

10 COMMUNITY SERVICES

Nil

11 *REPORTS TO BE CONSIDERED IN CLOSED COUNCIL*

At 7.38pm, 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 Burke/Cr Coates

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.

57/24 RESOLVED

E053-2024 - EXPRESSION OF INTEREST - POSSIBLE LEASE OF LAND AT 8 RESERVOIR ROAD MANILLA

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

**Reference: Item 8.1 to Ordinary Council 22 August 2023 - Minute No
 204/23**

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.

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 E053-2024 - EXPRESSION OF INTEREST - POSSIBLE LEASE OF LAND AT 8 RESERVOIR ROAD MANILLA

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

Reference: Item 8.1 to Ordinary Council 22 August 2023 - Minute No 204/23

RECOMMENDATION

That in relation to the report “E053-2024 - Expression of Interest - Possible Lease of Land at 8 Reservoir Road Manilla”, Council

- (i) receive and note the report; and
- (ii) proceed with the future management of the land as per the recommendation detailed in the body of the report.

MOTION DEFEATED

FORESHADOWED MOTION

Moved Cr Rodda/Cr Betts

That in relation to the report “E053-2024 - Expression of Interest - Possible Lease of Land at 8 Reservoir Road Manilla”, Council:

- (i) receive and note the report;
- (ii) proceed to lease the land as per the Expression of Interest received and with conditions as contained in the body of the report; and
- (iii) undertake further investigations for the future development of the land.

58/24 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Coates/Cr Burke

That Council move into Open Council.

59/24 RESOLVED

At 7:50pm 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 7:52pm.

Cr Russell Webb, Chairperson

Tuesday, 9 April 2024

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