



**MINUTES OF THE  
SPECIAL MEETING OF COUNCIL  
1 OCTOBER 2014**

## **ORDER OF BUSINESS:**

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|-----------|---|----------|
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**MINUTES OF THE SPECIAL COUNCIL MEETING OF SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 1 OCTOBER 2014 IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL, 64 FITZROY STREET, WARWICK AT 3.00PM**

**1. ATTENDANCE**

Present: Crs Blundell (Chair), Bartley, Gow, Ingram, Mackenzie, McNally, Meiklejohn, Pennisi and Rees.

Officers: David Tuxford (Acting Chief Executive Officer), Peter See (Director Engineering Services), Tim O'Brien (Acting Director Planning & Environment), Cassie Martinez (Acting Director Business & Community Services), Marion Seymour (Minute Secretary)

**2. APOLOGIES**

Nil

**3. DECLARATIONS OF CONFLICTS OF INTEREST**

| <b>Item No</b> | <b>Item Precs</b>                  | <b>Nature of Conflict</b>  |
|----------------|------------------------------------|--|
| 4.1            | Goomburra Valley Animal Management | Cr McNally declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ), may exist due to a complaint lodged against her, which complaint was determined to be lacking in substance and was dismissed. Cr McNally dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr McNally participated in the discussion and voting on this matter. |
| 4.1            | Goomburra Valley Animal Management | Cr Rees declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ), may exist due to a complaint lodged against him, which complaint was determined to be vexatious and was dismissed. Cr Rees dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Rees participated in the discussion and voting on this matter.                     |
| 4.1            | Goomburra Valley Animal Management | Cr Mackenzie declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ), may exist as he had provided advice in the past. Cr Mackenzie dealt with the perceived conflict of interest by  |

|  |  |   |
|--|--|---|
|  |  | stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Mackenzie participated in the discussion and voting on this matter. |
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#### 4. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

In accordance with the provisions of Section 275(1) of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public and move 'into Committee' to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

##### Recommendation

THAT the meeting be closed to the public and move into committee to discuss the following items, which are considered confidential in accordance with Section 275(1) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following, as indicated:

##### 4.1 Goomburra Valley Animal Management

###### Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(f) of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving Southern Downs Regional Council.

##### Meeting In Camera

The Meeting moved into closed session at 3.03pm.

##### Meeting Out Of Camera

##### Recommendation

THAT the meeting resume in open session at 4.15pm.

Cr McNally declared that a perceived conflict of interest in items 4.1 and 4.1.1 (as defined in section 173 of the *Local Government Act 2009*), may exist due to a complaint lodged against her, which complaint was determined to be lacking in substance and was dismissed. Cr McNally dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr McNally participated in the discussion and voting on this matter.

Cr Rees declared that a perceived conflict of interest in items 4.1 and 4.1.1 (as defined in section 173 of the *Local Government Act 2009*), may exist due to a complaint lodged against him, which complaint was determined to be vexatious and was dismissed. Cr Rees dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Rees participated in the discussion and voting on this matter.

Cr Mackenzie declared that a perceived conflict of interest in items 4.1 and 4.1.1 (as defined in section 173 of the *Local Government Act 2009*), may exist as he had provided advice in the past. Cr Mackenzie dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Mackenzie participated in the discussion and voting on this matter.

#### **4.1 Goomburra Valley Animal Management**

##### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr V Pennisi**

THAT:-

1. Council defer any action until 1 March 2015 in relation to notices given to landholders in the Goomburra Valley regarding the direction to control straying animals on road reserves under the provisions of the Local Laws.
2. The said landholders be requested that, where land is occupied by the same entity for grazing on either side of the road reserve, all necessary permits are immediately sought.
3. Council require that the landholders who were given notice to take action to stock-proof fences and grids or any other means to contain cattle within their property before 1 March 2015.
4. Council officers seek legal advice on this matter.

**Lost**

Crs McNally and Rees voted against the motion. Cr Mackenzie voted for the motion.

*The Mayor accepted a call for a Division on the motion from the floor and the following votes were recorded:*

*For: Crs R Bartley, D Ingram, J Mackenzie and V Pennisi (4)*

*Against: Crs P Blundell, C Gow, J McNally, N Meiklejohn and G Rees (5)*

*Accordingly the Mayor declared the motion lost.*

#### **4.1.1 Goomburra Valley Animal Management - Legal Advice**

##### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr J McNally**

THAT Council seek legal advice on the proposed recommendation in relation to this matter, and that a further Special Meeting be called on receipt of that legal advice.

**Lost**

Crs McNally and Rees voted for the motion. Cr Mackenzie voted against the motion.

*The Mayor accepted a call for a Division on the motion from the floor and the following votes were recorded:*

*For: Crs P Blundell, J McNally, N Meiklejohn and G Rees (4)*

*Against: Crs R Bartley, C Gow, D Ingram, J Mackenzie and V Pennisi (5)*

*Accordingly the Mayor declared the motion lost.*

## **MEETING CLOSURE**

There being no further business, the meeting closed at 4.20pm.