



**MINUTES OF THE
SPECIAL MEETING OF COUNCIL
15 JULY 2019**

ORDER OF BUSINESS:

1.	ATTENDANCE	2
2.	APOLOGIES.....	2
3.	DECLARATIONS OF CONFLICTS OF INTEREST	2
4.	SUSTAINABLE DEVELOPMENT REPORTS.....	4
4.1	The Australian Local Government Association (ALGA) Drought Submission	4
4.2	Environmental Authority Application - Cherrabah Granite Mine	4

Meeting In Camera

Meeting Out Of Camera

5.1	Concerns Notice (Cease and Desist).....	5
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**MINUTES OF THE SPECIAL COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 15 JULY 2019 IN THE
COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
64 FITZROY STREET, WARWICK AT 1:00PM**

1. ATTENDANCE

Present: Crs Dobie (Chair), Gow, Kelly, McNally, McNichol, Meiklejohn, Pennisi, Stocks and Windle

Officers: David Keenan (Chief Executive Officer), Jane Stroud (Director Sustainable Development), Joanne Morris (Director Corporate Services)

2. APOLOGIES

Nil

3. DECLARATIONS OF CONFLICTS OF INTEREST

ITEM NO	ITEM PRECIS	NATURE OF CONFLICT
4.1	AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION DROUGHT SUBMISSION	CR KELLY DECLARED A REAL CONFLICT OF INTEREST IN THIS MATTER (AS DEFINED IN SECTION 175 OF THE <i>LOCAL GOVERNMENT ACT 2009</i>) AS HE JOINTLY HOLDS A WATER LICENCE WITH HIS WIFE FOR LESLIE DAM / UPPER CONDAMINE WATER SUPPLY SCHEME AND DEALT WITH THE REAL CONFLICT OF INTEREST BY LEAVING THE MEETING ROOM, TAKING NO PART IN THE DEBATE OR DECISION ON THE MATTER.
4.1	AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION DROUGHT SUBMISSION	CR MCNICHOL DECLARED A MATERIAL PERSONAL INTEREST IN THIS MATTER (AS DEFINED IN SECTION 175 OF THE <i>LOCAL GOVERNMENT ACT 2009</i>) DUE TO HER HUSBAND BEING INVOLVED IN DAM CONSTRUCTION AND DEALT WITH THE MATERIAL PERSONAL INTEREST BY LEAVING THE MEETING ROOM, TAKING NO PART IN THE DEBATE OR DECISION ON THE MATTER.
4.1	AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION DROUGHT SUBMISSION	CR GOW DECLARED A MATERIAL PERSONAL INTEREST IN THIS MATTER (AS DEFINED IN SECTION 175 OF THE <i>LOCAL GOVERNMENT ACT 2009</i>) DUE TO THE ITEM REFERRING TO A PROPOSAL TO CATCH OVERLAND FLOW IN DAMS FOR IRRIGATION AND HE IS A FARMER AND DEALT WITH THE MATERIAL

		PERSONAL INTEREST BY LEAVING THE MEETING ROOM, TAKING NO PART IN THE DEBATE OR DECISION ON THE MATTER.
4.1	AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION DROUGHT SUBMISSION	CR PENNISI DECLARED A REAL CONFLICT OF INTEREST IN THIS MATTER (AS DEFINED IN SECTION 175 OF THE LOCAL GOVERNMENT ACT 2009) DUE TO AN ONGOING CONFLICT OF INTEREST WITH EMU SWAMP DAM AND DEALT WITH THE REAL CONFLICT OF INTEREST BY LEAVING THE MEETING ROOM, TAKING NO PART IN THE DEBATE OR DECISION ON THE MATTER.
4.2	ENVIRONMENTAL AUTHORITY APPLICATION – CHERRABAH GRANITE MINE	CR MCNALLY DECLARED A REAL CONFLICT OF INTEREST IN THIS MATTER (AS DEFINED IN SECTION 175 OF THE LOCAL GOVERNMENT ACT 2009) DUE TO HER PARENTS IN-LAWS PROPERTY ON DEREEN ROAD HAVING DIRECT ACCESS TO LORD JOHN CREEK AND DEALT WITH THE REAL CONFLICT OF INTEREST BY LEAVING THE MEETING ROOM, TAKING NO PART IN THE DEBATE OR DECISION ON THE MATTER.

CR PENNISI DECLARED A REAL CONFLICT OF INTEREST IN AGENDA ITEM 4.1 (AS DEFINED IN SECTION 175 OF THE LOCAL GOVERNMENT ACT 2009) DUE TO AN ONGOING CONFLICT OF INTEREST WITH EMU SWAMP DAM AND DEALT WITH THE REAL CONFLICT OF INTEREST BY LEAVING THE MEETING ROOM, TAKING NO PART IN THE DEBATE OR DECISION ON THE MATTER. CR PENNISI LEFT THE ROOM AT 1.13PM

CR KELLY DECLARED A REAL CONFLICT OF INTEREST IN AGENDA ITEM 4.1 (AS DEFINED IN SECTION 175 OF THE LOCAL GOVERNMENT ACT 2009) AS HE JOINTLY HOLDS A WATER LICENCE WITH HIS WIFE FOR LESLIE DAM / UPPER CONDOMINE WATER SUPPLY SCHEME AND DEALT WITH THE REAL CONFLICT OF INTEREST BY LEAVING THE MEETING ROOM, TAKING NO PART IN THE DEBATE OR DECISION ON THE MATTER. CR KELLY LEFT THE ROOM AT 1.23PM

CR MCNICHOL DECLARED A MATERIAL PERSONAL INTEREST IN AGENDA ITEM 4.1 (AS DEFINED IN SECTION 175 OF THE LOCAL GOVERNMENT ACT 2009) DUE TO HER HUSBAND BEING INVOLVED IN DAM CONSTRUCTION AND DEALT WITH THE MATERIAL PERSONAL INTEREST BY LEAVING THE MEETING ROOM, TAKING NO PART IN THE DEBATE OR DECISION ON THE MATTER. CR MC NICHOL LEFT THE ROOM AT 1.23PM

CR GOW DECLARED A MATERIAL PERSONAL INTEREST IN AGENDA ITEM 4.1 (AS DEFINED IN SECTION 175 OF THE LOCAL GOVERNMENT ACT 2009) DUE TO THE ITEM REFERRING TO A PROPOSAL TO CATCH OVERLAND FLOW IN DAMS FOR IRRIGATION AND HE IS A FARMER AND DEALT WITH THE MATERIAL PERSONAL INTEREST BY LEAVING THE MEETING ROOM, TAKING NO PART IN THE DEBATE OR DECISION ON THE MATTER. CR GOW LEFT THE ROOM AT 1.23PM

4. SUSTAINABLE DEVELOPMENT REPORTS

4.1 The Australian Local Government Association (ALGA) Drought Submission

Resolution

Moved Cr J McNally

Seconded Cr N Meiklejohn

THAT Council agrees to provide a response to the Local Government Association of Queensland for inclusion on the proposed drought submission being prepared for the Federal Government.

Carried

1.25pm Crs Kelly, Gow, Pennisi and McNichol rejoined the meeting.

Cr McNally declared a real conflict of interest in Agenda Item 4.2 (as defined in section 175 of the Local Government Act 2009) due to her parents in-laws property on Dereen Road having direct access to Lord John Creek and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr McNally left the room at 1.26pm.

4.2 Environmental Authority Application - Cherrabah Granite Mine

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT Council makes a submission to the Department of Environment and Science regarding the application to make a major amendment to an Environmental Authority (EPSX04093716) in relation to the proposed Cherrabah Granite Mine.

Carried

1.28pm Cr McNally rejoined the meeting.

5. 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:

5.1 Concerns Notice (Cease and Desist)

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

Resolution

Moved Cr Windle

Seconded Cr Meiklejohn

THAT the meeting move into closed session for the purpose of discussing legal matters and other business.

Carried

The Meeting moved into closed session at 1.29pm.

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 1.38pm.

Carried

5.1 Concerns Notice (Cease and Desist)

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council resolve to proceed with the issuing of a Concerns Notice (Cease and Desist).

Carried

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

For: Crs T Dobie, C Gow, R Kelly, J McNally, M McNichol, N Meiklejohn, Y Stocks and S Windle (8)

Against: Cr V Pennisi (1)

Accordingly the Mayor declared the motion carried.

MEETING CLOSURE

There being no further business, the meeting closed at 1.41pm.