

**MINUTES OF MORNINGTON SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, GUNUNA  
ON WEDNESDAY, 19 AUGUST 2020 AT 9:00AM**

**1 OPENING OF MEETING**

The meeting was opened by Mayor Kyle Yanner at 9:13 am.

**2 ACKNOWLEDGEMENT OF COUNTRY****3 PRESENT**

Mayor Kyle Yanner, Deputy Mayor Dwayne Rogers (via teleconference), Cr David Barnes, Cr Roxanne Thomas & Cr Bob Thompson

Lyndon Prior (Acting Chief Executive Officer), Owen Jensen (Acting Executive Manager of Finance and Human Services), David Torr (Acting Executive Manager of Technical Services), Ryan Anderson (Animal Control Officer), Lana Maki (Special Projects Officer) & Jasmine Carson (Minute Taker)

**4 APOLOGIES**

Nil

**5 DISCLOSURE OF INTEREST – COUNCILLORS AND STAFF**

Cr Roxanne Thomas disclosed a conflict of interest for item 13.4: *Mornington Island Health Council*; although she has resigned as a Director, her resignation may not have been processed at this time.

**6 CONDOLENCES AND MEMORIALS**

A minute silence was undertaken for the late Julianna 'Kippy' Jacob and Dean Watt.

**7 CONFIRMATION OF MINUTES**

Council deferred the Confirmation of Minutes to item 17: *General Business*.

**8 BUSINESS ARISING**

Nil

**9 ACTION SCHEDULE**

Council deferred the Action Schedule to item 17: *General Business*.

**10 CALL FOR ITEMS OF GENERAL BUSINESS**

Presentation delivered to Council by Aurecon regarding Mornington Island Master Plan 2020.

Initial: KY

**RECEPTION & CONSIDERATION OF COMMITTEE REPORTS****11 COMMITTEE REPORTS**

Nil

**RECEPTION & CONSIDERATION OF OFFICERS REPORTS****12 MAYOR AND COUNCILLORS REPORTS**

Nil

**13 CHIEF EXECUTIVE OFFICER'S REPORTS****13.1 ACTING CHIEF EXECUTIVE OFFICER'S REPORT****RESOLUTION 2020/127**

Moved: Cr Roxanne Thomas

Seconded: Cr David Barnes

1. That Council receive and notes this report
2. That Council's delegate vote in favour of the motion at item 5. At the LGAQ Annual General Meeting.
3. That Council receive the notes at attachment 8 as a record of the Mayor's community meeting and commits to work through the issues raised where Council has authority and capacity to action.
4. That Council endorse the Acting CEO sign the North Queensland Sport Foundation Agreement [attachment 10] on behalf of Council.
5. That Council endorse the Acting CEO sign the Terms of Reference for the Tenancy Action Group – Mornington Island [attachment 16] on behalf of Council.
6. That Council approve the Acting CEO to attend the Indigenous Council's CEO Forum [attachment 18] in Cairns on Friday Sep 4<sup>th</sup> 2020.

**CARRIED 4/0**

At 9:36 am, Cr Bob Thompson entered the meeting.

**13.2 PROPOSED COUNCIL MEETING SCHEDULE 2020-21****RESOLUTION 2020/128**

Moved: Cr Roxanne Thomas

Seconded: Mayor Kyle Yanner

1. That Council approves the Ordinary & Special Meeting of Council Schedule herein, being:
  - September, 16<sup>th</sup> 2020
  - October, 21<sup>st</sup> 2020
  - November, 18<sup>th</sup> 2020
  - December, 9<sup>th</sup> 2020.
  - January, 27<sup>th</sup> 2021
  - February, 17<sup>th</sup> 2021

Initial: \_\_\_\_\_



- March, 17<sup>th</sup> 2021
- April, 21<sup>st</sup> 2021
- May, 19<sup>th</sup> 2021
- June, 9<sup>th</sup> 2021 (Special Budget Meeting)
- June, 16<sup>th</sup> 2021
- July, 21<sup>st</sup> 2021
- August, 18<sup>th</sup> 2021

**CARRIED 5/0**

At 9:44 am, Cr Roxanne Thomas left the meeting.

At 10:51 am, Cr Roxanne Thomas returned to the meeting.

### **13.3 COMPLAINTS ABOUT THE PUBLIC OFFICIAL POLICY**

#### **RESOLUTION 2020/129**

Moved: Mayor Kyle Yanner

Seconded: Cr David Barnes

That Council adopt the attached draft Complaints about the Public Official Policy as its Complaints about the Public Official Policy.

**CARRIED 5/0**

### **13.4 MORNINGTON ISLAND HEALTH COUNCIL**

#### **RESOLUTION 2020/130**

Moved: Deputy Mayor Dwayne Rogers

Seconded: Cr Roxanne Thomas

That the Acting CEO:

1. Seek clarification from Queensland Health of the outcomes delivered by the Health Council and the measured benefit to the community;
2. Reports findings to September Ordinary Council meeting.

**CARRIED 5/0**

#### **RESOLUTION 2020/133**

Moved: Cr David Barnes

Seconded: Cr Roxanne Thomas

That Council agree that 13.5: Public Notice – Mr Brett Fallon be deferred until Mr Fallon is present.

**CARRIED 5/0**

Initial: ky

**13.5 PUBLIC NOTICE - MR BRETT FALLON****RESOLUTION 2020/134**

Moved: Cr Bob Thompson

Seconded: Mayor Kyle Yanner

1. That Council endorses the action of the Mayor and the Acting CEO in issuing the public notice as attached.
2. That Council notes Mr Fallon did attend this meeting to make a personal representation.
3. That Council instructs the Acting CEO to seek further clarification as to the power of Council to restrict access to Mornington Island.

**CARRIED 5/0**

**13.6 ORGANISATION STRUCTURE - AUGUST 2020****RESOLUTION 2020/131**

Moved: Mayor Kyle Yanner

Seconded: Cr Roxanne Thomas

1. That Council approve the attached draft Organisation Chart – August 2020 as edited and amended as Council's approved Organisation Chart.
2. That Council endorse the actions of the Acting CEO in creating and filling entry level positions now shown on the Organisation Chart to facilitate service delivery to the community.

**CARRIED 5/0**

**13.7 FIT FOR WORK POLICY****RESOLUTION 2020/132**

Moved: Cr Bob Thompson

Seconded: Cr David Barnes

That Council adopt the attached draft Fit for Work Policy as its Fit for Work Policy.

**CARRIED 5/0**

**13.8 MORNINGTON ISLAND A&TSI SERVICE DELIVERY REFORM PROJECT (MIATSIDR)****RESOLUTION 2020/133**

Moved: Cr Bob Thompson

Seconded: Mayor Kyle Yanner

That Council note and receive this report.

**CARRIED 5/0**

Initial: ky



**14.4 INSURANCE SETTLEMENT - HOUSE FIRE 162 NGERRAWURN STREET****RESOLUTION 2020/138**

Moved: Cr Bob Thompson

Seconded: Mayor Kyle Yanner

1. That Council receives and notes the information in this report.
2. That Council endorses the actions of the executive manager in negotiation of a cash settlement for this claim.

**CARRIED 5/0**

**14.5 INTERIM AUDIT REPORT JUNE 2020****RESOLUTION 2020/139**

Moved: Cr Roxanne Thomas

Seconded: Cr Bob Thompson

That Council receives and notes the information in this report.

**CARRIED 5/0**

At 12:15 pm, Mayor Kyle Yanner paused the meeting for lunch.

At 12:41 pm, Mayor Kyle Yanner re-opened the meeting.

**14.6 GENERAL SERVICE CHARGE CONCESSION POLICY****RESOLUTION 2020/140**

Moved: Cr Roxanne Thomas

Seconded: Mayor Kyle Yanner

That Council adopt the General Service Charge Concession Policy as amended, as its General Service Charge Concession Policy.

**CARRIED 5/0**

At 12:52pm, Deputy Mayor Dwayne Rogers left the meeting.

**15 STAFF REPORTS - INFRASTRUCTURE & TECHNICAL SERVICES****15.1 TECHNICAL SERVICES MONTHLY REPORT****RESOLUTION 2020/141**

Moved: Cr Bob Thompson

Seconded: Cr David Barnes

That Council note and receive this report.

**CARRIED 4/0**

At 1:28 pm, Mayor Kyle Yanner left the meeting.

At 1:30 pm, Mayor Kyle Yanner returned to the meeting.

**13.9 SPECIAL PROJECTS REPORT****RESOLUTION 2020/134**

Moved: Cr Bob Thompson

Seconded: Mayor Kyle Yanner

That Council note and support the planned works detailed in this report.

**CARRIED 5/0**

Presentation delivered to Council by Special Projects Officer regarding the planning and progress of special projects on Mornington Island.

Council re-visited and resolved item 13.5: Public Notice – Mr Brett Fallon as per resolution 2020/134.

**14 STAFF REPORTS - FINANCIAL SERVICES****14.1 FINANCIAL REPORT AS AT 31ST JULY 2020****RESOLUTION 2020/135**

Moved: Cr David Barnes

Seconded: Cr Bob Thompson

That Council notes and receives the information in this report.

**CARRIED 5/0**

At 11:55 am, Mayor Kyle Yanner left the meeting.

At 11:57 am, Mayor Kyle Yanner returned to the meeting.

**14.2 DRAFT ANNUAL FINANCIAL STATEMENTS - FOR THE YEAR ENDED 30TH JUNE 2020****RESOLUTION 2020/136**

Moved: Cr Bob Thompson

Seconded: Mayor Kyle Yanner

That the information in this report be received and noted.

**CARRIED 5/0**

**14.3 INSURANCE 2020/2021****RESOLUTION 2020/137**

Moved: Cr Bob Thompson

Seconded: Cr Roxanne Thomas

1. That the information in this report be received and noted.
2. That Council approve the payment of the Industrial Special Risks insurance premium for 2020/21 totalling \$451,983.97.

**CARRIED 5/0**

Initial: KY



**15.2 HOUSING REPORT JULY 2020****RESOLUTION 2020/142**

Moved: Cr Bob Thompson

Seconded: Cr David Barnes

That Council receive and note this report.

**CARRIED 4/0**

**15.3 ANIMAL MANAGEMENT REPORT - JULY 2020****RESOLUTION 2020/143**

Moved: Cr Bob Thompson

Seconded: Cr David Barnes

That the Animal Control Officer:

1. Instigate public notification and community liaison with owners to identify preferred approach to Animal Control specific to pigs and horses.
2. Present findings at September Ordinary Council meeting.

**CARRIED 4/0**

**15.4 WATER QUALITY ANALYSIS****RESOLUTION 2020/144**

Moved: Cr Bob Thompson

Seconded: Cr David Barnes

That Council note and receive this report.

**CARRIED 4/0**

**16 STAFF REPORTS - HUMAN SERVICES****16.1 ACTING EXECUTIVE MANAGER FINANCE AND HUMAN SERVICES****RESOLUTION 2020/145**

Moved: Cr Bob Thompson

Seconded: Cr David Barnes

That the information in this report be received and noted.

**CARRIED 4/0**

**17 GENERAL BUSINESS**

Council revisited and resolved item 7: *Confirmation of Minutes* and item 9.1: *Action Schedule*.

**RESOLUTION 2020/146**

Moved: Cr Roxanne Thomas

Initial: ky

Seconded: Cr Bob Thompson

That the minutes of the Ordinary Meeting held on 15 July 2020 be confirmed.

**CARRIED 4/0**

## **9.1 ACTION ITEMS AS AT AUGUST 2020**

### **RESOLUTION 2020/147**

Moved: Cr Bob Thompson

Seconded: Cr David Barnes

1. That Council note and receive the Mornington Shire Action Schedule as tabled, and
2. That Council endorse the removal of all completed items from the schedule as tabled.

**CARRIED 4/0**

## **18 CONFIDENTIAL REPORTS**

### **RESOLUTION 2020/148**

Moved: Cr Bob Thompson

Seconded: Cr Roxanne Thomas

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Act 2009:

#### **18.1 Sea Swift - Jetty Damage**

This matter is considered to be confidential under Section 275(f) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with starting or defending legal proceedings involving Mornington Shire Council.

#### **18.2 Council Powers to Provide Visitor Permissions**

This matter is considered to be confidential under Section 275(f) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with starting or defending legal proceedings involving Mornington Shire Council.

#### **18.3 Bluewater Marine - Contract Progress Payment No. 5**

This matter is considered to be confidential under Section 275(c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the local government budget.

**CARRIED 4/0**

Council moved into Confidential at 2:42 pm.

Initial: KY



**RESOLUTION 2020/149**

Moved: Cr Bob Thompson

Seconded: Cr David Barnes

That Council moves out of Closed Council into Open Council.

**CARRIED 4/0**

Council moved out of Confidential at 2:51 pm.

**18.1 SEA SWIFT - JETTY DAMAGE****RESOLUTION 2020/150**

Moved: Mayor Kyle Yanner

Seconded: Cr David Barnes

1. That Council accept the offer of settlement from Sea Swift as settlement in full, and
2. The Acting CEO direct Council's representative to proceed and prepare settlement documentation for execution by the Acting CEO on behalf of Council.

**CARRIED 4/0**

At 2:47 pm, Cr Roxanne Thomas left the meeting.

At 2:48 pm, Cr Roxanne Thomas returned to the meeting.

**18.2 COUNCIL POWERS TO PROVIDE VISITOR PERMISSIONS****RESOLUTION 2020/151**

Moved: Cr David Barnes

Seconded: Cr Bob Thompson

1. That Council receive and note this report.
2. That the Acting CEO commences the process of making a local law to provide Council with the power to prevent entry to and or evict undesirable persons from Mornington Island.

**CARRIED 4/0**

**18.3 BLUEWATER MARINE - CONTRACT PROGRESS PAYMENT NO. 5****RESOLUTION 2020/152**

Moved: Mayor Kyle Yanner

Seconded: Cr Bob Thompson

That Council approve payment of \$300,083.39 to Bluewater Marine (Qld) Pty Ltd

**CARRIED 4/0**

**19 NEXT MEETING**

The next meeting will be held on 16<sup>th</sup> of September 2020.

Initial: ky

**20 CLOSURE**

Mayor Kyle Yanner closed the meeting at 2:53 pm.

**MINUTES REVIEWED**

.....  
Lyndon Prior  
Acting Chief Executive Officer

**MINUTES CONFIRMED**

  
.....  
Cr Kyle Yanner  
Mayor of Mornington Shire Council

Initial: KY