

**MINUTES OF MORNINGTON SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, MISSION ROAD, GUNUNA  
ON WEDNESDAY, 24 JUNE 2020 AT 9:00AM**

**1 OPENING OF MEETING**

The meeting was opened by Mayor Yanner at 9:11am.

**2 ACKNOWLEDGEMENT OF COUNTRY**

I would like to begin by acknowledging the Traditional Owners of the land on which we meet today, the Lardil people of Mornington Island and pay our respects to Elders past and present. We would also like to acknowledge the Kaiadilt and Yangkaal people who share our homelands.

**3 PRESENT**

Mayor Kyle Yanner, Deputy Mayor Dwayne Rogers, Cr David Barnes, Cr Roxanne Thomas

Also in attendance:

Lyndon Prior (Acting Chief Executive Officer), Owen Jensen (Acting Executive Manager of Finance & Human Services), David Torr (Acting Executive Manager of Technical Services) & Jasmine Carson (Minute Taker)

**4 APOLOGIES**

Frank Mills (Chief Executive Officer)

Cr Thompson (to join meeting at a later time)

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

Mayor Kyle Yanner and Cr Roxanne Thomas declared a disclosure of interest for item 13.1 of the Ordinary agenda, and item 1.3 of the Confidential agenda.

**6 CONDOLENCES AND MEMORIALS**

A minute silence was undertaken for members of the community who have passed away.

**7 CONFIRMATION OF MINUTES****RESOLUTION 2020/103**

Moved: Cr Roxanne Thomas

Seconded: Cr David Barnes

That the minutes of the Ordinary Meeting held on 20 May 2020 and the Special Meeting held on 27 May 2020 be confirmed.

**CARRIED 4/4**

**8 BUSINESS ARISING**

Nil

Initial: 

**9 ACTION SCHEDULE**

Nil

**10 CALL FOR ITEMS OF GENERAL BUSINESS**

Nil

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

Nil

**RECEPTION & CONSIDERATION OF OFFICERS REPORTS****12 MAYOR AND COUNCILLORS REPORTS****12.1 DEPUTY MAYOR MSC MATTERS****RESOLUTION 2020/104**

Moved: Mayor Kyle Yanner

Seconded: Cr David Barnes

1. That Council be presented a staff housing policy to identify Council staff entitlements and eligibility around receiving housing.
2. That Council agree to coordinate a meeting with Susan Sewter to address enquiries listed in this report related to Mornington Island Health Council.
3. That Council revisit and re-adopt the 'Permission to Visit' process.

**CARRIED 4/4**

Mayor Kyle Yanner paused meeting at 10:00am

Mayor Kyle Yanner re-opened meeting at 10:08am

Due to disclosure of interest, Mayor Kyle Yanner and Cr Roxanne Thomas left the meeting at 11:48pm.

**13 CHIEF EXECUTIVE OFFICER'S REPORTS****13.1 STAFF HOUSING - MAYOR YANNER****RESOLUTION 2020/105**


Moved: Cr David Barnes

Seconded: Deputy Mayor Dwayne Rogers

1. That Council agree to provide Mayor Yanner with a Council house subject to Council's Housing Policy, and the tenancy agreement to be drawn up between Council and Mayor Yanner with a cost of \$275.00 per week.
2. That Council direct the Acting CEO to sign such tenancy agreement on behalf of Council.

**CARRIED 4/4**

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Initial: 

Mayor Yanner and Cr Roxanne Thomas returned to the meeting at 12:01pm.

### 13.2 MUNDALBE ENTERPRISES

#### RESOLUTION 2020/106

Moved: Mayor Kyle Yanner  
Seconded: Cr Roxanne Thomas

1. That the Acting CEO writes to the current Directors of Mundalbe Enterprises Ltd to ascertain their intent on remaining Directors. And the Acting CEO report to Council the responses received from the current Directors.
2. That Council pay the ASIC annual review fee when it becomes due.

CARRIED 4/4

### 13.3 ACTING CHIEF EXECUTIVE OFFICER REPORT

#### RESOLUTION 2020/107

Moved: Deputy Mayor Dwayne Rogers  
Seconded: Mayor Kyle Yanner

1. That Council receive and note this report.
2. That Executive responds to correspondence from Wilssed Rangers and Kalngkurr Wellbeing Centre to seek more information and clarifying their requests.

CARRIED 4/4

### 13.4 ABORIGINAL DEVELOPMENT BENEFITS TRUST - BOARD VACANCY

#### RESOLUTION 2020/108

Moved: Cr Roxanne Thomas  
Seconded: Cr David Barnes

1. That Council nominate Mayor Kyle Yanner as a candidate to fill the vacant board position on the Aboriginal Development Benefits Trust Board.
2. That Council nominate Deputy Mayor Dwayne Rogers as proxy to Mayor Kyle Yanner as Board Member of the Aboriginal Development Benefits Trust Board.

CARRIED 4/4

### 13.5 SPECIAL PROJECTS REPORT

#### RESOLUTION 2020/109

Moved: Cr David Barnes

Initial: ky



Seconded: Deputy Mayor Dwayne Rogers

1. That Council endorse the Airport fence concept depicted in Attachment 1 to be completed and funded in the current and/or 2020-21 budget.
2. That Council endorse the projects submitted for the 202-21 COVID Works for Queensland funding program.
3. That Council endorse the Lelka Murrin Marketplace project for the Growing Tourism Infrastructure funding program.
4. That Council endorse the Motel Expansion project for the Growing Tourism Infrastructure funding Program.
5. That Council instruct Executive to request a fee proposal from Peak Services to scope a Solar Panel System project, including identifying external funding sources for Mornington Island.

**CARRIED 4/4**

Cr Bob Thompson entered the meeting at 10:38am.

### **13.6 LTC JOINT COORDINATING COMMITTEE**

#### **RESOLUTION 2020/110**

Moved: Cr Roxanne Thomas

Seconded: Cr David Barnes

1. That That Council nominate Mayor Kyle Yanner as a candidate to fill a vacancy on the LTC Joint Coordinating Committee.
2. That Council nominate Deputy Mayor Dwayne Rogers as proxy to Mayor Kyle Yanner as a committee member of the LTC Joint Coordinating Committee.

**CARRIED 5/5**

### **14 STAFF REPORTS - FINANCIAL SERVICES**

#### **14.1 FINANCIAL REPORT AS AT 31ST MAY 2020**

#### **RESOLUTION 2020/111**

Moved: Cr Bob Thompson

Seconded: Mayor Kyle Yanner

That Council notes and receives the information in this report.

**CARRIED 5/5**

Mayor Kyle Yanner paused meeting at 11:01am.

Mayor Kyle Yanner re-opened meeting at 11:13am.

**14.2 BUDGET 2020-2021****RESOLUTION 2020/112**

Moved: Deputy Mayor Dwayne Rogers

Seconded: Mayor Kyle Yanner

1. That the 2020-2021 budget documentation be adopted and approved.
2. That the 2020-2021 Revenue Policy be adopted and approved.
3. That the 2020-2021 Revenue statement be adopted and approved.
4. That the 2020-2021 fees and charges be adopted and approved.
5. That the 2020-2021 Interest rate be charged on overdue rates and charges be set at a rate of 8.53 per cent.
6. **That Council contribute \$590,855 toward the Civic Centre Redevelopment Project split across 2020-21 and 2021-22 financial years.**

**CARRIED 5/5**

**NOTE****RESOLUTION 1**

Moved: Deputy Mayor Dwayne Rogers

Seconded: Mayor Kyle Yanner

**RESOLUTION 3**

Moved: Cr David Barnes

Seconded: Cr Roxanne Thomas

**RESOLUTION 5**

Moved: Cr Roxanne Thomas

Seconded: Cr David Barnes

**RESOLUTION 2**

Moved: Deputy Mayor Dwayne Rogers

Seconded: Cr Bob Thompson

**RESOLUTION 4**

Moved: Mayor Kyle Yanner

Seconded: Deputy Mayor Dwayne Rogers

**RESOLUTION 6**

Moved: Cr Bob Thompson

Seconded: Mayor Kyle Yanner

At 11:27 am, Cr Roxanne Thomas left the meeting.

At 11:29 am, Cr Roxanne Thomas returned to the meeting.

**14.3 DEBTORS WRITE OFF****RESOLUTION 2020/113**

Moved: Deputy Mayor Dwayne Rogers

Seconded: Cr Bob Thompson

That Council approve the write off of doubtful debts totalling \$ 56,212.84.

**CARRIED 5/5**

Initial: 

**15 STAFF REPORTS - INFRASTRUCTURE & TECHNICAL SERVICES****15.1 HOUSING DEPARTMENT REPORT****RESOLUTION 2020/114**

Moved: Mayor Kyle Yanner

Seconded: Cr David Barnes

That Council note and accept this report.

**CARRIED 5/5**

**15.2 TENDER ASSESSMENT PANEL****RESOLUTION 2020/115**

Moved: Mayor Kyle Yanner

Seconded: Deputy Mayor Dwayne Rogers

That Council approve Lyndon Prior (Acting CEO), Dale Harvey (Housing Manager) and Owen Jensen (Acting Executive Manager Finance & Human Services) as the tender assessment panel to evaluate tender calls for the '9 Carports for the Dept. of Education (DOE)' tender.

**CARRIED 5/5**

**15.3 TEMPORARY ROAD CLOSURE POLICY****RESOLUTION 2020/116**

Moved: Cr Roxanne Thomas

Seconded: Deputy Mayor Dwayne Rogers

That Council adopt the draft Temporary Road Closure Policy as its Temporary Road Closure Policy..

**CARRIED 5/5**

**15.4 TECHNICAL SERVICES MONTHLY REPORT****RESOLUTION 2020/117**

Moved: Cr Bob Thompson

Seconded: Cr David Barnes

That Council note and receive this report.

**CARRIED 5/5**

Mayor Yanner paused meeting at 12:30pm for lunch.

Mayor Yanner re-opened meeting at 12:50pm.

**16 STAFF REPORTS - HUMAN SERVICES****16.1 ACTING EXECUTIVE MANAGER FINANCE AND HUMAN SERVICES****RESOLUTION 2020/118**

Moved: Cr Roxanne Thomas

Seconded: Deputy Mayor Dwayne Rogers

That the information in this report be received and noted.

**CARRIED 5/5**

**16.2 BAKERY OVEN REPLACEMENT****RESOLUTION 2020/119**

Moved: Cr Bob Thompson

Seconded: Deputy Mayor Dwayne Rogers

1. That Council approve the purchase of the replacement bakery oven from Supplier # 1 as identified in this report, following due diligence in consideration of future forecasted demand of bakery products.

**CARRIED 5/5**

**17 GENERAL BUSINESS**

Nil

**18 CONFIDENTIAL REPORTS**

Council moved into Confidential at 1:25pm.

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Initial: Ky



**RESOLUTION 2020/120**

Moved: Cr Bob Thompson  
Seconded: Mayor Kyle Yanner

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 Seaswift - 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.

**18.1 Sale of Barge 'Wurrurka'**

This matter is considered to be confidential under Section 275(h) 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 business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**18.2 Request for Council to Fund defamation Action**

This matter is considered to be confidential under Section 275(g) 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 any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

**18.3 Councillor Code of Conduct Complaint Report**

This matter is considered to be confidential under Section 275(h) 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 business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**CARRIED 5/5**

**RESOLUTION 2020/121**

Moved: Deputy Mayor Dwayne Rogers  
Seconded: Cr Bob Thompson

That Council moves out of Closed Council into Open Council.

**CARRIED 5/5**

Council moved out of Confidential at 1:43pm.

**18.1 SEASWIFT - JETTY DAMAGE****RESOLUTION 2020/122**

Moved: Cr David Barnes  
Seconded: Cr Bob Thompson

Initial: 



That the Acting Chief Executive Officer direct MacDonnell's Law to re-open negotiations with Seaswift.

CARRIED 5/5

### 18.1 SALE OF BARGE 'WURRURKA'

#### RESOLUTION 2020/123

Moved: Cr Bob Thompson

Seconded: Deputy Mayor Dwayne Rogers

That

1. Council rescind resolution 2020/2 made at its ordinary meeting of January 24<sup>th</sup> 2020 for the reason that the resolution now appears unrealistic and therefore not achievable.
2. The Workshop Manager report to Council with costings of bringing the vessel to survey operating standard, and a budget for the annual operating costs to Council of retaining the vehicle..

CARRIED 5/5

At 1:36 pm, Cr Bob Thompson left the meeting.

At 1:37 pm, Cr Bob Thompson returned to the meeting.

### 18.2 REQUEST FOR COUNCIL TO FUND DEFAMATION ACTION

#### RESOLUTION 2020/124

Moved: Deputy Mayor Dwayne Rogers

Seconded: Cr David Barnes

That the Acting Chief Executive Office respond to the requestor as has been directed by Council.

CARRIED 5/5

### 18.3 COUNCILLOR CODE OF CONDUCT COMPLAINT REPORT

#### RESOLUTION 2020/125

Moved: Cr Bob Thompson

Seconded: Mayor Kyle Yanner

That Council note and receive this report.

CARRIED 5/5

### 19 NEXT MEETING

The next meeting will be held on 15 July 2020.

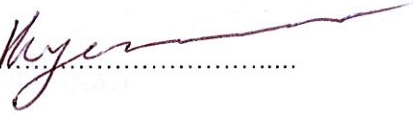
**20 CLOSURE**

Mayor Kyle Yanner closed the meeting at 1:45 pm.



Lyndon Prior  
Acting Chief Executive Officer

Minutes Confirmed:

Mayor 

Date:



Lyndon Prior  
Acting Chief Executive Officer

Initial: 