

**MINUTES OF MORNINGTON SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, MISSION ROAD, GUNUNA  
ON WEDNESDAY, 15 SEPTEMBER 2021 AT 9AM**

**1 OPENING OF MEETING**

The meeting was opened by Mayor Yanner at 9.03am.

**2 ACKNOWLEDGMENT 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, Cr Bob Thompson

Graham King (Mr), Ronald Nichols (Mr), David Sechtig (Mr), Geoffrey Rewald (Mr), Elizabeth Mitchell (Ms), Joanne Fiorenza (Ms), (Minute Taker), Tayla Wilson (Miss)

**4 LEAVE OF ABSENCE**

Nil

**5 DISCLOSURE OF INTEREST – COUNCILLORS AND STAFF****6 CONDOLENCES AND MEMORIALS**

Mayor calls one minute silence for recent loss of a youth in community.

**7 CONFIRMATION OF MINUTES****7.1 CONFIRMATION OF MINUTES - COUNCIL MEETING - 18 AUGUST 2021****RESOLUTION 2021/45**

That the Minutes of the Council held on Wednesday 18 August 2021 be received and the recommendations therein be adopted.

Moved: Cr Barnes

Seconded: Mayor Yanner

**CARRIED 5/0**

**8 DEPUTATIONS**

Nil

**9 ACTION SCHEDULE**

Refer to September Mornington Shire Council Action schedule 11.1.

**RECEPTION & CONSIDERATION OF OFFICERS REPORTS****10 MAYOR AND COUNCILLORS REPORTS**

Nil

**11 CHIEF EXECUTIVE OFFICER'S REPORTS****11.1 ACTION SCHEDULE SEPTEMBER 2021****RESOLUTION 2021/47**

That the completed and ongoing actions be reviewed and accepted by Council. That Council endorse the removal of completed items from the schedule as tabled, namely;

1. Roads to Recover Project – Upgrade school crossing Lardil Street – Resolution no. 2021/12-22
2. Ergon Energy – Street lighting in Gununa to be inspected by Councillor Barnes and Executive Manager Infrastructure & Technical Services 16<sup>th</sup> September
3. Mornington Island Master Plan 2020 – Refer to A/CEO report – Resolution no. 2021/03-11
4. Update on Major Projects that will Feature in the 2021/2022 Budget Preparation – Included in 5 year implementation plan – Resolution no. 2021/03-2
5. Special Holidays – Application made – Resolution no. 2021/07-11
6. Procurement Policy – Resolution no. 2021/07-22
7. Advertising Spending Policy – Resolution no. 2021/07-23
8. Grants Community Policy – Resolution no. 2021/07-24

Moved: Deputy Mayor Rogers

Seconded: Cr Thompson

**CARRIED 5/0**

**11.2 COMMUNIQUE FROM TCICA FOR MEETING IN AUGUST 2021****RESOLUTION 2021/46**

That Council receive the report and note the contents.

Moved: Cr Barnes

Seconded: Cr Thompson

**CARRIED 5/0**

**11.3 MAYOR DEPUTATIONS AND TRAVEL****RESOLUTION 2021/47**

That Council receive the Report and endorse the Mayor's travel to Brisbane to support the proposed changes to Working with Children Legislation (Indigenous Communities), known as the Blue Card Bill and also to make representations to the Minister for Agricultural Industry and Development and Fisheries for greater protection of fisheries in the Wellesley Islands.

Moved: Cr Thompson  
Seconded: Deputy Mayor Rogers

**CARRIED 5/0**

#### **11.4 LOCAL LAW NO. 2 (ANIMAL MANAGEMENT)**

##### **RESOLUTION 2021/48**

##### **RECOMMENDATION**

That Council receive the Report and endorse the actions of the Acting CEO in advertising the proposed amendments.

Moved: Cr Barnes  
Seconded: Cr Thomas

**CARRIED 5/0**

#### **11.5 HOME BURIALS**

##### **RESOLUTION 2021/49**

For Council discussion

1. That Council receive and note report.

Moved: Cr Thomas  
Seconded: Cr Barnes

**CARRIED 5/0**

#### **11.6 GULF ACADEMY**

##### **RESOLUTION 2021/50**

##### **RECOMMENDATION**

That Council receive and note the Report.

Moved: Cr Thompson  
Seconded: Deputy Mayor Rogers

**CARRIED 5/0**

#### **11.7 PLAQUE TO RECOGNISE FAMILIES ON THE ORIGINAL SETTLEMENT**

##### **RESOLUTION 2021/51**

Mayor Yanner and Counsellor Thomas left the meeting due to conflict of interest 9.32am

##### **RECOMMENDATION**

That Council obtain the necessary approvals from GRAC to the provision of a plaque and a group of Elders be assembled to design the plaque recognising the original settlement and a estimated cost be undertaken.

Further that approval be obtained form GRAC for the placing of a rubbish bins in a suitable

location near the Tamarind Tree and also near the Shade Tree opposite the Cemetery and near communal fishing and swimming spots and be included in the Annual Budget for Parks and Gardens.

Moved: Cr Thompson

Seconded: Cr Barnes

**CARRIED 5/0**

At 9.33am, Cr Thomas and Mayor Yanner returned to the meeting.

## **11.8 NOTE OF COMMUNITY ON SORRY BUSNISS**

### **RESOLUTION 2021/52**

1. That the Acting CEO investigate the engagement of a dedicated person to full-time position within Council's Corporate Structure to provide undertaking service
2. Further that Council support the establishment of a Funeral Fund for the community.

Moved: Cr Thompson

Seconded: Cr Barnes

**CARRIED 5/0**

## **11.9 5 YEAR IMPLEMENTATION PLAN**

### **RESOLUTION 2021/53**

That Council receive and note the Report and nominate the following project as the highest priority in the short-term.

1. The establishment of the Outstation multipurpose facility including:
  - a. Sustainable Families Program
  - b. Holistic Health and Wellbeing Program
  - c. On Country program
2. 25m Pool with associated facilities including toddler pool.
3. Market Garden – development of commercial market garden.
4. Youth Hub to enable the implementation of associated programs.
5. Outstation/School program in conjunction with Education Qld
6. Training centre/Administration business hub & library

Moved: Cr Thomas

Seconded : Cr Barnes

**CARRIED 5/0**

## **11.10 51ST FAR NORTH QUEENSLAND REGIMENT**

### **RESOLUTION 2021/54**

That Council receive and note the report and authorise Cr Barnes to actively engage with young people around 17 years old and encourage their enlistment.

Moved: Cr Barnes

Seconded: Deputy Mayor Rogers

**CARRIED 5/0**

**11.11 CARPENTARIA LAND COUNCIL ABORIGINAL CORPORATION - CONTAINERS FOR CHANGE**

Mayor Yanner & Cr Thomas declare conflict of interest at 9.50.

**RESOLUTION 2021/55**

That Council receive the Report and authorise the Acting CEO to participate in the Pilot 'Containers for Change' Program as outlined in the Report.

Moved: Cr Barnes

Seconded: Cr Thompson

**CARRIED 3/0**

Mayor Yanner & Cr Thomas returned to meeting at 9.55.

**11.12 GUNUNA SWIMMING POOL****RESOLUTION 2021/56**

That Council seek formal support from Education Queensland for the land and long term undertaking for the operation and maintenance of the swimming pool and associated facilities.

Further that Council provide a copy of the swimming pool proposal to the Government Champions seeking their support.

Further that Council seek grant funding for the construction of the swimming pool complex, and on receipt of funding Council's consultants undertake stakeholder and community consultation as part of the final design.

Moved: Cr Thompson

Seconded: Mayor Yanner

**CARRIED 5/0**

**11.13 LGAQ WASTE FORUM 28-29 SEPTEMBER 2021****RESOLUTION 2021/57**

That Council authorise a representative to attend such Forum.

Moved: Cr Barnes

Seconded: Cr Thompson

**CARRIED 5/0**

**11.14 LOCAL LAW DELEGATIONS****RESOLUTION 2021/58**

That Council resolves, pursuant to section 257 of the *Local Government Act 2009*, to delegate those powers listed in the Instruments of Delegation considered at this meeting to the Chief Executive Officer.

Moved: Deputy Mayor Rogers

Seconded: Cr Thompson

**CARRIED 5/0**

The Mayor adjourned the meeting at 10.04am for morning tea.

The Mayor resumed the meeting at 10.23am and asked that the meeting be closed to the Public. The Staff left the meeting and at 10.23am there was no one present in the public gallery at the time the resolution was passed.

**RESOLUTION 2021/59**

That the meeting be closed to the Public.

Moved: Cr Thompson

Seconded: Deputy Mayor Rogers

**CARRIED 5/0**

The Mayor read a text message he received from the Local Government Association.

**RESOLUTION 2021/60**

That Council moves out of Closed Council into Open Council

Moved: Cr Roxanne Thomas

Seconded: Cr David Barnes

**CARRIED 5/0**

Staff returned to meeting at 11.00am

**RESOLUTION 2021/61**

Leave of Absence

That Deputy Mayor Rogers be granted leave of absence from the meeting from 10.30am

Moved: Cr David Barnes

Seconded: Cr Bob Thompson

**CARRIED 4/0**

Mayor declared a short break at 11.00am

Meeting resumed at 11.06am

**12 STAFF REPORTS - FINANCIAL SERVICES****FINANCIAL REPORT AS AT 31 AUGUST 2021****RESOLUTION 2021/62**

That Council receives and notes this report.

Moved: Cr Thompson

Seconded: Cr Thomas

**CARRIED 4/0**

**13 STAFF REPORTS - GOVERNANCE AND COMMUNICATIONS**

**13.1 HUMAN RESOURCES DEPARTMENT REPORT FOR THE MONTH OF AUGUST 2021**

**RESOLUTION 2021/63**

That Council receive and notes the content of this report.

Moved: Cr Thomas

Seconded: Cr Thompson

**CARRIED 4/0**

**14 STAFF REPORTS - INFRASTRUCTURE & TECHNICAL SERVICES**

**14.1 HOUSING REPORT**

**RESOLUTION 2021/64**

That Council note and accept this report.

Moved: Cr Thomas

Seconded: Cr Thompson

**CARRIED 4/0**

Meeting went into break at 11.49am & into closed at 12.00pm

**15 STAFF REPORTS - HUMAN SERVICES**

Nil

The Mayor adjourned the meeting for a short break at 11.49am

The meeting returned at 12pm

The meeting went into closed at 12pm

**16 CONFIDENTIAL REPORTS**

**RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 254J of the Local Government Regulations 2012:

**16.1 AUTHORISATION OF LEASE RENEWAL - LOT 112 ON SP 270889 (D&M MEYER HOLDINGS PTY LTD)**

This matter is considered to be confidential under Section 254J3(g) of the Local Government Regulations 2012, 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 negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;.

**16.2 INDIGENOUS LAND USE AGREEMENTS (ILUA)**

This matter is considered to be confidential under Section 275(e) of the Local Government Regulations 2012, 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 contracts proposed to be made by Mornington Shire Council.

The Mayor and Cr Thomas left the meeting during the discussion on item 16.2

**16.3 AUTHORISATION OF LEASE EXTENSION AND RENTAL INCREASE - LEASE 1-2 OF RTC (DEPT OF ENERGY AND PUBLIC WORKS)**

This matter is considered to be confidential under Section 254J3(g) of the Local Government Regulations 2012, 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 negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;.

**16.4 CIVIC CENTRE ADMINISTRATION BUILDING PROJECT MANAGEMENT SERVICES**

This matter is considered to be confidential under Section 254J3(g) of the Local Government Regulations 2012, 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 negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;.

**16.5 MORNINGTON ISLAND RUNWAY REALIGNMENT PROJECT**

This matter is considered to be confidential under Section 254J3(g) of the Local Government Regulations 2012, 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 negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;.

**RESOLUTION 2021/62**

That Council moves out of Closed Council into Open Council.



**16.1 AUTHORISATION OF LEASE RENEWAL - LOT 112 ON SP 270889 (D&M MEYER HOLDINGS PTY LTD)****RESOLUTION 2021/65**

That Council approve the Acting CEO to execute the Form 13 Amendment for the above mentioned lease.

Moved: Cr Barnes

Seconded: Cr Thomas

**CARRIED 4/0**

**16.2 INDIGENOUS LAND USE AGREEMENTS (ILUA)**

Mayor Yanner and Cr Thomas declared conflict of interest at 12.15pm.

**RESOLUTION 2021/66**

Due to no quorum present, this matter will be tabled to the next meeting.

Mayor Yanner and Cr Thomas returned to meeting 12.16pm.

**16.3 AUTHORISATION OF LEASE EXTENSION AND RENTAL INCREASE - LEASE 1-2 OF RTC (DEPT OF ENERGY AND PUBLIC WORKS)****RESOLUTION 2021/67**

That Council approve the Acting CEO to accept the lessee's proposals and finalise the lease

Moved: Cr Thomas

Seconded: Cr Barnes

**CARRIED 4/0**

**16.4 CIVIC CENTRE ADMINISTRATION BUILDING PROJECT MANAGEMENT SERVICES****RESOLUTION 2021/68**

That Council receive the Report and confirm the Acting CEO's action in appointing Peak Services as project managers for the Civic Centre Administration Building as set out in the Mornington Shire Council Capital Works Project Management Services – Civic Centre Administration Building Project Management Services dated 30 August 2021.

Moved: Cr Thompson

Seconded: Cr Thomas

**CARRIED 4/0**

**16.5 MORNINGTON ISLAND RUNWAY REALIGNMENT PROJECT**

**RESOLUTION 2021/69**

That Council receive the Report and confirm the Acting CEO's actions to accept the quotation by Aurecon for the sum of \$110,191.40 to complete the Preliminary Design of the Mornington Island Runway.

Moved: Cr Barnes

Seconded: Cr Thompson

**CARRIED 4/0**

Staff left meeting at 12.17.pm

Staff returned to meeting at 12.33

**17 NEXT MEETING**

The next meeting will be held on 20 October 2021.

**18 CLOSURE**

Mayor Yanner closed the meeting at 12.36pm

Graham King

Acting Chief Executive Officer.

Minutes Confirmed:

Mayor .....

Date: