

**MINUTES OF MORNINGTON SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, MISSION ROAD, GUNUNA
ON WEDNESDAY, 9 DECEMBER 2020 AT 9:03AM**

1 OPENING OF MEETING

The meeting was opened by Mayor Kyle Yanner at 9.03am.

2 ACKNOWLEDGEMENT OF COUNTRY**3 PRESENT**

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

Peter Stewart (Acting Chief Executive Officer), David Sechtig (Executive Manager Infrastructure and Technical Services), Darren Foster (Acting Executive Manager Governance and Communications), Andrew McKenzie (Acting Governance Coordinator), Deb Woolfenden (Minute Taker).

Scott Sullivan (Executive Director, Mineral and North Queensland Compliance, Department of Environment and Science), Rachel Allan (Principal Environmental Officer, Department of Environment and Science) were in attendance at the opening of the meeting.

4 APOLOGIES

Nil

5 DISCLOSURE OF INTEREST – COUNCILLORS AND STAFF**5.1 DECLARABLE CONFLICTS OF INTEREST**

Pursuant to section 150EQ of the Local Government Act 2009, the following declarations were raised:

Cr Bob Thompson informed the meeting of a Declarable Conflict of Interest for item 14.6 as the item relates to Mirndiyan Gununa Aboriginal Corporation, as he is a Director on the Board.

Cr Roxanne Thomas informed the meeting of a Declarable Conflict of Interest for item 14.6 as the item relates to Mirndiyan Gununa Aboriginal Corporation, as she is a Director on the Board and an employee

6 CONDOLENCES AND MEMORIALS**7 CONFIRMATION OF MINUTES****RESOLUTION 20-12/01**

Moved: Cr David Barnes
Seconded: Mayor Kyle Yanner

That the minutes of the Ordinary Meeting held on 18 November 2020 be confirmed.

8 DEPUTATIONS

At 9.10am Dr Rachel Allan, Principal Environmental Officer and Mr Scott Sullivan, Executive Director, Minerals and Northern Compliance, Environmental Services and Regulation, Department of Environment and Science presented to Council on its proposed Reframing our Regulatory Relationship – Aboriginal and Torres Strait Islander Councils' Regulatory Aspirations.

At 9.10am Andrew McKenzie left the meeting

At 9.27am David Sechtig left the meeting

At 9.28am David Sechtig returned to the meeting

At 9.28am Ms Farrah Linden (member of the public) entered the meeting

At 9.31am Deb Woolfenden left the meeting

At 9.34am Deb Woolfenden returned to the meeting

At 9.51am Mayor Kyle Yanner left the meeting

At 9.53am Mayor Kyle Yanner returned to the meeting

At 9.53am the Deputation for Department of Environment and Science was paused to allow public participation by Ms Farrah Linden about Council's burial fee charges.

Public Participation

Ms Linden raised with Council concerns about its Cemetery burial fees. Council has acknowledged Ms Linden's concerns and will liaise further with her in the New Year.

At 9.53am Cr Roxanne Thomas left the meeting.

At 10.00am Owen Jensen (Acting Executive Manager, Finance and Human Services) entered the meeting.

At 10.22am Farrah Linden left the meeting.

At 10.23am the Mayor adjourned the meeting.

The meeting resumed at 10.43am with Mayor, Deputy Mayor Dwayne Rogers, Cr David Barnes, all Officers (with exception of David Sechtig) and Dr Rachel Allan and Mr Scott Sullivan present.

At 10.44am David Sechtig and David Torr (Group Manager Technical Services) entered the meeting.

At 10.45am Cr Roxanne Thomas returned to the meeting.

RESOLUTION 20-12/02

Moved: Cr Roxanne Thomas
Seconded: Mayor Kyle Yanner

That a letter of support be provided to Department of Environment and Science to implement the Department's recommendation to improve regulatory relationships with Aboriginal and Torres Strait Islander (ATSI) Councils including Mornington Shire.

CARRIED 5/0

At 10.51am Scott Sullivan, Rachel Allan, David Sechtig and David Torr left the meeting.

The Mayor Kyle Yanner allowed a change to the order of business as the second deputation with the Mornington Island Health Council originally scheduled for 10.15am had been rescheduled for 11.45am. The order of business moved to consider Section 10.1 Action Items of the agenda.

9 BUSINESS ARISING

10 ACTION SCHEDULE

10.1 ACTION ITEMS AS AT 9 DECEMBER 2020

Declarable Interest

Pursuant to section 150EQ of the Local Government Act 2009, the following declaration was raised:

Deputy Mayor Dwayne Rogers informed the meeting of a declarable interest in the consideration of provision of a Council motor vehicle for the Deputy Mayor. Deputy Mayor Dwayne Rogers believed he could act in the public interest in discussing this item and proposed to participate in the decision and vote on the matter.

Councillors considered Deputy Mayor's Dwayne Rogers explanation and resolved the Deputy Mayor be allowed to participate and vote on the matter

RESOLUTION 20-12/03

Moved: Mayor Kyle Yanner
Seconded: Cr Roxanne Thomas

That Council allow the Deputy Mayor Dwayne Rogers to participate and vote on the provision of a Council motor vehicle for the Deputy Mayor.

Deputy Mayor Dwayne Rogers did not vote.

CARRIED 3/0

RESOLUTION 20-12/04

Moved: Mayor Kyle Yanner

Seconded: Cr Roxanne Thomas

That Council not provide a private use motor vehicle for the purpose of the Deputy Mayor at this time.

CARRIED 3/1

RESOLUTION 20-12/05

Moved: Mayor Kyle Yanner

Seconded: Cr David Barnes

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

CARRIED 4/0

At 11.35am the Mayor adjourned the meeting.

The meeting resumed at 11.42am with Mayor, all Councillors and all Officers (with exception of Owen Jensen).

At 11.42am Mr Joel Ah Kit and Ms Roberta Felton, Directors of Mornington Island Health Council attended the meeting for the Deputation with Council.

At 11.43am Ms Susan Sewter joined the meeting by teleconference.

14.4 MORNINGTON ISLAND HEALTH COUNCIL

The Mornington Island Health Council has sought a deputation with Council seeking its continuing support of the organisation's Mornington Island Health Strategy.

At 11.57am Owen Jensen reentered the meeting.

At 11.58am Joel Ah Kit left the meeting.

At 12.00pm Mr Kelly Barbarich of SBSM Project Management and Consultancy entered the meeting.

At 12.02pm Joel Ah Kit returned to the meeting.

At 12.03pm Joel Ah Kit left the meeting.

At 12.07pm Deb Woolfenden left the meeting.

At 12.21pm Deb Woolfenden returned to the meeting.

At 12.20pm Cr Roxanne Thomas left the meeting.

At 12.23pm Cr Roxanne Thomas returned to the meeting.

RESOLUTION 20-12/06

Moved: Cr David Barnes

Seconded: Deputy Mayor Dwayne Rogers

That the Mornington Health Council be advised that Council will continue to support the concept of the Mornington Island Health Strategy. This in no way implies financial, other

materials and administrative support from Council.

In Favour: Deputy Mayor Dwayne Rogers, Cr Bob Thompson and Cr David Barnes

Against: Cr Roxanne Thomas and Mayor Kyle Yanner

CARRIED 3/2

SBSM PROJECTS & CONSULTANCY - NDRRA WORKS

Council received an update from Mr Kelly Barbarich, Superintendent, SBSM Project Management and Consultancy about Natural Disaster Recovery and Relief Arrangements works completed by Koppens as well as providing information on the next round of recovery works to be undertaken.

At 1.10pm Deb Woolfenden and Roberta Felton left the meeting.

At 1.21pm Cr Bob Thompson and Deb Woolfenden returned to the meeting.

At 1.55pm the meeting was adjourned.

At 2.06pm the meeting resumed with Mayor, All Councillors, Peter Stewart, Darren Foster, Andrew McKenzie and Deb Woolfenden being present.

Council resumed its order of business in accordance with the agenda.

11 CALL FOR ITEMS OF GENERAL BUSINESS

RECEPTION & CONSIDERATION OF COMMITTEE REPORTS

12 COMMITTEE REPORTS

Nil

RECEPTION & CONSIDERATION OF OFFICERS REPORTS

13 MAYOR AND COUNCILLORS REPORTS

Nil

14 CHIEF EXECUTIVE OFFICER'S REPORTS

14.1 ACTING CHIEF EXECUTIVE OFFICER'S REPORT - NOVEMBER 2020

RESOLUTION 20-12/07

Moved: Cr David Barnes

Seconded: Mayor Kyle Yanner

That Council receives and notes this report.

CARRIED 5/0

14.2 HUMAN RESOURCES REPORT - NOVEMBER 2020**RESOLUTION 20-12/08**

Moved: Cr David Barnes
Seconded: Mayor Kyle Yanner

That Council note and accept this report.

CARRIED 5/0

14.3 UNIVERSITY OF ADELAIDE - ABORIGINAL HERITAGE PROJECT #2**RESOLUTION 20-12/09**

Moved: Cr Roxanne Thomas
Seconded: Cr Bob Thompson

That Council note and receive this report.

CARRIED 5/0

Cr Roxanne Thomas left the meeting at 2:34 pm

14.5 MORNINGTON SHIRE COUNCIL - STRATEGIC OPERATIONAL PLAN 2020/2021 FIRST QUARTER REVIEW**RESOLUTION 20-12/10**

Moved: Mayor Kyle Yanner
Seconded: Cr David Barnes

That Council note and receive the First Quarter Review of the 2020/2021 Mornington Shire Council Strategic Operational Plan as tabled.

CARRIED 4/0

14.6 REQUEST FOR FINANCIAL ASSISTANCE - MIRNDIYAN GUNUNA ABORIGINAL CORPORATION - MORNINGTON ISLAND PUBLIC ART AND CELEBRATION**Prescribed Conflict of Interest**

Cr Bob Thompson informed the meeting of a Declarable Conflict of Interest for item 14.6 as the item relates to Mirndiyan Gununa Aboriginal Corporation, as he is a Director on the Board. Cr Bob Thompson left the meeting at 2.40pm and did not participate in this item.

Cr Roxanne Thomas had previously informed the meeting of a Declarable Conflict of Interest for item 14.6 as the item relates to Mirndiyan Gununa Aboriginal Corporation, as she is a Director on the Board and also an employee. Cr Roxanne Thomas had left the meeting at 2.34pm and did not participate in this item.

RESOLUTION 20-12/11

Moved: Cr David Barnes
Seconded: Deputy Mayor Dwayne Rogers

That Council provide \$1,500 of in-kind and monetary support towards this overall project cost. \$500 towards marketing the event and a further \$1,000 by way of waiving the rental fees payable to Council applicable to the hire of the Lelka Murrin Amphitheatre.

CARRIED 4/0

Cr B Thompson returned to the meeting at 2:45 pm

14.7 COMMUNITY GRANTS POLICY - GUIDELINES AND APPLICATION FORMS**RESOLUTION 20-12/12**

Moved: Mayor Kyle Yanner
Seconded: Deputy Mayor Dwayne Rogers

That Council accept the proposed Community Grants Policy Guidelines and Application forms for use in conjunction with the approved Mornington Shire Council Community Grants Policy.

That Council re-allocate \$10,000 to a budget provision for donations.

CARRIED 4/0**14.8 ALLOCATION OF COUNCILLORS TO PORTFOLIOS**

At 3.10pm Mayor K Yanner left the meeting, the Deputy Mayor D Rogers assumed the Chair.

At 3.13pm Mayor K Yanner returned to the meeting and reassumed the Chair.

At 3.21pm Deb Woolfenden left the meeting.

At 3.23pm Deb Woolfenden returned to the meeting.

At 3.24pm Peter Stewart left the meeting.

At 3.27pm David Sechtig left the meeting.

At 3.28pm Peter Stewart and David Sechtig returned to the meeting.

15 STAFF REPORTS - FINANCIAL SERVICES**15.1 FINANCIAL REPORT AS AT 30TH NOVEMBER 2020****RESOLUTION 20-12/13**

Moved: Mayor Kyle Yanner
Seconded: Cr Bob Thompson

That Council receives and notes the information in this report.

CARRIED 4/0

15.2 PROCUREMENT POLICY**RESOLUTION 20-12/14**

Moved: Cr David Barnes

Seconded: Deputy Mayor Dwayne Rogers

That Council adopt the attached draft Procurement Policy as its Procurement Policy, noting that the delegation for the following positions be:

Warehouse Manager	\$24,999
Housing Manager	\$24,999
Special Projects Manager	\$24,999
Technical Services Group Manager	\$30,000
Infrastructure Services Group Manager	\$30,000
Workshop Manager	\$14,999
Systems Accountant	\$4,999
Project Accountant	\$4,999

CARRIED 4/0

16 STAFF REPORTS - GOVERNANCE AND COMMUNICATIONS**16.1 GOVERNANCE AND COMMUNICATIONS MONTHLY REPORT - NOVEMBER 2020****RESOLUTION 20-12/15**

Moved: Cr David Barnes

Seconded: Cr Bob Thompson

That Council note and receive the Acting Executive Manager Governance and Communications November 2020 Report.

CARRIED 4/0

16.2 PROPOSED COUNCIL MEETING DATES 2021**RESOLUTION 20-12/16**

Moved: Mayor Kyle Yanner

Seconded: Cr Bob Thompson

That Council approves its Ordinary and Special Meeting Schedule for 2021 herein being:

- January 27th, 2021
- February 17th, 2021
- March 17th, 2021
- April 21st, 2021

- May 19th, 2021
- June 9th, 2021 (Special Budget Meeting)
- June 16th, 2021
- July 21st, 2021
- August 18th, 2021
- September 15th, 2021
- October 20th, 2021
- November 17th, 2021
- December 8th, 2021

CARRIED 4/0

At 3.45pm the Meeting was adjourned.

At 4.03pm the meeting resumed with Mayor, All Councillors (including Cr Roxanne Thomas), Peter Stewart, Darren Foster, David Sechtig, Owen Jensen, Deb Woolfenden and Special Projects Manager, Lana Maki being present.

The Mayor Kyle Yanner allowed a change to the order of business to allow contract staff attend and address the meeting on Items 17.4, 17.8, 17.5 and 18.2.

17 STAFF REPORTS - INFRASTRUCTURE & TECHNICAL SERVICES

17.4 SPECIAL PROJECTS REPORT - NOVEMBER 2020

RESOLUTION 20-12/17

Moved: Cr David Barnes
Seconded: Mayor Kyle Yanner

That Council notes and supports this report and the planned works.

CARRIED 5/0

17.8 FUNDING REPORT - NOVEMBER 2020

RESOLUTION 20-12/18

Moved: Cr David Barnes
Seconded: Mayor Kyle Yanner

That Council notes and supports this report.

CARRIED 5/0

At 4.54pm Owen Jensen left the meeting.

Initial: Ker

17.5 MORNINGTON ISLAND TECHNICAL WORKING GROUP MONTHLY REPORT - NOVEMBER 2020**RESOLUTION 20-12/19**

Moved: Cr David Barnes

Seconded: Deputy Mayor Dwayne Rogers

1. Notes and supports this report and the planned works.
2. That Council consult with the Department of Local Government, Racing & Multicultural Affairs (DLGMRA) about legislation relating to home ownership.
3. Upon receipt of the advice from DLGMRA should it be required Council develops a policy in relation to home ownership which:
 - a. is robust and ensures only local people can own property on Mornington Island
 - b. able to maintain principles across multiple re-sales; and
 - c. should it be required, provide information to the Community to educate on the risks and opportunities involved in home ownership.
4. Commence the delivery of the \$2.35mil Housing Project in accordance with the report:
 - a. Council engage the services of a suitably qualified and experienced Architect to undertake design and documentation of works to satisfy Department of Housing and Public Works requirements, respond to community and cultural needs, provide higher density and high amenity and provide smart and fit for purpose designs;
 - b. Commence design and approval process for duplex on 152 Lardil Street in preparation for tender of works;
 - c. Investigate all lots that have been put forward for plug-ins to determine lots that are most suitable, in accordance with this report. Provide addresses for properties added to the list;
 - d. Commence design and approval process for plug-ins based on suitability and funds available; and
 - e. Commence investigations into civil works for Lots 925 & 926.
5. Commences investigations to utilise the \$7.328mil in Commonwealth funding - undertake feasibilities on land within the community for the following:
 - a. Re-alignment or relocation of services impacting the viability or yield of sites;
 - b. Re-alignment of boundaries to create more lots;
 - c. Develop sites with higher density such as duplexes and multiple residences on a single lot similar to the lot near the Police Station. Consideration must be given to mitigate impacts on neighbouring community properties;
 - d. Develop a range of accommodation – 2, 3, 4 & 5+ bedrooms; and
 - e. Investigate the development of existing residential land east of the runway for community housing in preparation for the proposed realignment of the runway.

CARRIED 5/0

At 5.10pm O Jensen returned to the meeting.

At 5.14pm L Maki left the meeting.

18.2 WORKPLACE HEALTH AND SAFETY RISK AUDIT AND COMPLIANCE REPORT - NOVEMBER 2020

RESOLUTION 20-12/20

Moved: Mayor Kyle Yanner

Seconded: Cr David Barnes

That Council receives and notes the information in this report.

CARRIED 5/0

At 5.46pm Tony Walters left the meeting.

At 5.47pm the meeting was adjourned.

At 5.57pm the meeting resumed with Mayor, All Councillors, Peter Stewart, Darren Foster, David Sechtig, Owen Jensen and Deb Woolfenden being present.

17.1 INFRASTRUCTURE AND TECHNICAL SERVICES MONTHLY REPORT - DECEMBER 2020

RESOLUTION 2012/21

Moved: Cr Roxanne Thomas

Seconded: Cr Bob Thompson

That the Council note and receive this report.

CARRIED 5/0

17.2 ROADS TO RECOVERY PROJECT - UPGRADE SCHOOL CROSSING LARDIL STREET

RESOLUTION 20-12/22

Moved: Cr Roxanne Thomas

Seconded: Deputy Mayor Dwayne Rogers

1. That Council undertake the proposed upgrade to the school crossing at Lardil Street under its 2020-21 Roads To Recovery Program.
2. The Executive Manager Infrastructure and Technical Services be requested to investigate footpaths and associated works to the areas adjacent to the Gununamanda Store area as the balance of the Roads to Recovery Funding 2020-21.

CARRIED 5/0

17.3 HOUSING REPORT - NOVEMBER 2020**RESOLUTION 20-12/23**

Moved: Cr Roxanne Thomas

Seconded: Mayor Kyle Yanner

That Council note and accept this report.

CARRIED 5/0

17.6 PROPOSED SHORT TERM EMPLOYMENT AGREEMENTS 2020**RESOLUTION 20-12/24**

Moved: Cr David Barnes

Seconded: Cr Bob Thompson

That Council authorise the Chief Executive Officer under the Local Government Act 2009, Division 2- Other local government employees, section 196 Appointing other local government employees. (1)-(3) to appoint temporary positions outside of the current organisational structure.

CARRIED 5/0

17.7 PROPOSED CONTAINMENT OF LOCAL HORSES 2020

At 5.05pm Workplace Health and Safety Advisor, Tony Walters, attended the meeting.

RESOLUTION 20-12/25

Moved: Cr Bob Thompson

Seconded: Mayor Kyle Yanner

1. That the Executive Manager Infrastructure and Technical Services further investigate an option to utilise the rodeo grounds to undertake the containment of horses;
2. Should option one not be suitable, that Council creates, with assistance from the community, two new horse paddocks west of the Council's Workshop utilising the materials available at the former Market Garden and Cattle yards; and
3. Council supplies an excavator to clear and clean out the old dam before the horses are relocated.

CARRIED 5/0

18 STAFF REPORTS - HUMAN SERVICES

18.1 ACTING EXECUTIVE MANAGER FINANCE AND HUMAN SERVICES - NOVEMBER 2020

RESOLUTION 20-12/26

Moved: Cr Roxanne Thomas

Seconded: Cr Bob Thompson

That Council receives and notes the information contained in the Acting Executive Manager Finance and Human Services November 2020 Report.

CARRIED 5/0

18.3 COMMUNITY NEW YEARS EVE EVENT 31 DECEMBER 2020

RESOLUTION 20-12/27

Moved: Cr Roxanne Thomas

Seconded: Deputy Mayor Dwayne Rogers

That Council receives and notes the information in this report.

CARRIED 5/0

18.4 COMMUNITY LIQUOR PERMIT - REQUEST FOR COUNCIL SUPPORT

RESOLUTION 20-12/28

Moved: Cr Roxanne Thomas

Seconded: Cr David Barnes

That Council provide "in principle" support for the submission of application for a Community Liquor Permit for New Year's Eve.

CARRIED 5/0

19 GENERAL BUSINESS

20 CONFIDENTIAL REPORTS**LATE ITEM****BANK SIGNATORIES - MORNINGTON SHIRE COUNCIL****RESOLUTION 20-12/29**

Moved: Cr Roxanne Thomas

Seconded: Mayor Kyle Yanner

1. That Council approves the Acting Chief Executive Officer to proceed with organising recommended changes of signatories on Council's Bank Accounts as outlined in the report.
2. The the report and attachments be deemed a confidential document and be treated as such in accordance with Local Government Regulation 2012, under Section 254J(3)(g) and that the document remain confidential unless Council decides otherwise by resolution.

CARRIED 5/0

Nil

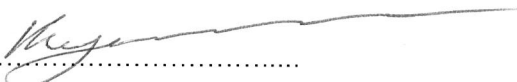
21 NEXT MEETING

The next meeting will be held on 27 January 2021.

22 CLOSURE

Mayor Kyle Yanner closed the meeting at 7.13pm

Minutes Confirmed:

Mayor 

Date: 16/12/2020

Peter Stewart

Acting Chief Executive Officer

Initial: 