

**MINUTES OF MORNINGTON SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, MISSION ROAD, GUNUNA  
ON WEDNESDAY, 13 DECEMBER 2023 AT 9:00AM**

**1 OPENING OF MEETING**

The meeting was opened by Mayor Kyle Yanner at 9:10am.

**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, Yangkaal, Waanyi, Gangalidda and Garawa people who share our homelands.

**3 PRESENT**

Mayor Kyle Yanner, Deputy Mayor Robert Thompson, Cr David Barnes, Cr Dwayne Rogers, Cr Roxanne Thomas, Geoff Rewald (Director Housing and Facilities) and Gary Uhlmann (Chief Executive Officer)

via TEAMS – Skye Price (Director Corporate and Community), Ian McCarthy (Chief Financial Officer), Brett de Chastel (Council Advisor), Ken Tapfiel (Human Resources Manager) Jan Hunter (Executive Assistant), Rhianne Williams (minute-taking).

**4 LEAVE OF ABSENCE**

Nil

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

Mayor Kyle Yanner and Councillor Roxanne Thomas declared conflict of interest for item 13.5.

**6 CONDOLENCES AND MEMORIALS**

A minute silence was undertaken for loved ones.

**7 CONFIRMATION OF MINUTES****7.1 CONFIRMATION OF MINUTES - COUNCIL MEETING - 22 NOVEMBER 2023****RESOLUTION 2023/183**

Moved: Cr Roxanne Thomas

Seconded: Cr Dwayne Rogers

That the Minutes of the Council held on Wednesday 22 November 2023 be received and the recommendations therein be adopted.

**CARRIED 5/0**

**8 DEPUTATIONS**

Mirndiyan Gununa Aboriginal Corporation presentation by Brenton Yanner on the 2023 Mornington Island Festival.

**9 ACTION SCHEDULE**

**9.1 ACTION ITEMS AS AT 6 DECEMBER 2023**

**RESOLUTION 2023/184**

Moved: Deputy Mayor Robert Thompson

Seconded: Cr David Barnes

That the Action Schedule as tabled be reviewed in January and that completed items be removed.

**CARRIED 5/0**

**RECEPTION & CONSIDERATION OF OFFICERS REPORTS**

**10 MAYOR AND COUNCILLORS REPORTS**

**RESOLUTION 2023/185**

Moved: Cr David Barnes

Seconded: Cr Dwayne Rogers

That the Councillors verbal reports be noted and accepted.

**CARRIED 5/0**

At 10:56 am, Cr Roxanne Thomas left the meeting.

At 10:58 am, Cr Roxanne Thomas returned to the meeting.

At 11:04 am, Mayor Kyle Yanner left the meeting.

At 11:05 am, Mayor Kyle Yanner returned to the meeting.

At 11:12 am, Deputy Mayor Robert Thompson left the meeting.

At 11:15 am, Deputy Mayor Robert Thompson returned to the meeting.

Ken Tapfiel joined the meeting at 11:21am.

At 11:25 am, Mayor Kyle Yanner left the meeting.

At 11:25 am, Mayor Kyle Yanner returned to the meeting.

Ian McCarthy joined the meeting at 11:30am.

**11 CHIEF EXECUTIVE OFFICER'S REPORTS**

**11.1 CHIEF EXECUTIVE OFFICER VERBAL REPORT**

**RESOLUTION 2023/186**

Moved: Cr David Barnes

Seconded: Cr Dwayne Rogers

That Council receive and note the Chief Executive Officer's verbal report for December 2023.

**CARRIED 5/0**

At 11:41 am, Cr Roxanne Thomas left the meeting.

At 11:41 am, Cr David Barnes left the meeting.

At 11:45 am, Cr Roxanne Thomas returned to the meeting.

At 11:47 am, Cr David Barnes returned to the meeting.

At 12:11 pm, Cr Dwayne Rogers left the meeting.

At 12:13 pm, Cr Dwayne Rogers returned to the meeting.

## 12 FINANCIAL SERVICES

### 12.1 FINANCIAL REPORT

#### RESOLUTION 2023/187

Moved: Cr David Barnes

Seconded: Cr Dwayne Rogers

1. That Council receive and note the financial report for December 2023 and thank Brett de Chastel, Steve Graham and the Chief Financial Officer for their outstanding work; and
2. Authorise the Chief Executive Officer to commence legal proceedings against the following debtors listed below.

Ausnorth Consultants	\$2,640.00
Burkin Svendsens Funerals	\$30,792.28
Choices Flooring Atherton	\$6,018.40
Floorit (QLD) Pty Ltd	\$6,101.96
Lifebuilding	\$2,561.85
N & J Building & Construction	\$100,990.73
NQCCS	\$4,279.96
Nordig NQ P/L	\$4,160.00
Morrison Civil Works P/L	\$18,524.30
SBSM Investments P/L	\$83,409.29
360 Aero Space P/L	\$1,624.46
Dasap P/L	\$10,348.40
Flightech Air Logistics	\$15,362.21
Maureen Jane Ahkit	\$17,101.67
Richard Sewter	\$41,263.06

**CARRIED 5/0**

**12.2 FUEL PRICING**

**RESOLUTION 2023/188**

Moved: Cr Roxanne Thomas

Seconded: Cr Dwayne Rogers

That the Council amend the fees and charges schedule for 23/24 by replacing the existing fuel price charges with the following;

That Opal and Diesel fuel prices are set using the following formula;

- a) recovery of council's fixed costs in providing the fuel service annualised over the year; and
- b) recovery of the costs of purchase of fuel and delivery to Mornington Island; and
- c) annual rate of return of one percent (1%) after recovery of the costs above; and
- d) that the Chief Executive Officer be authorised to set fuel prices based on this formula.

**CARRIED 5/0**

**12.3 FARE SUBSIDY SCHEME**

**RESOLUTION 2023/189**

Moved: Cr David Barnes

Seconded: Cr Dwayne Rogers

1. That the Council request the Chief Executive Officer to commence negotiations with Rex Airlines and Transport Main Roads (TMR) to introduce an additional fare subsidy for local residents with the intent of creating a scheme that achieves the following;
  - a) providing an additional community fare benefit for local residents of one hundred dollars (\$100.00) per return flight
  - b) that this additional subsidy be available for five (5) flights per week for forty (40) weeks per year and for ten (10) flights per week for twelve (12) weeks per year (coinciding with school holidays)
  - c) the booking process be managed by Rex Airlines and that the subsidy seats be focused on non-peak flights
  - d) that the scheme be reviewed after twelve (12) months of operation for its effectiveness
2. And request the Chief Executive Officer to report back to the Council once those negotiations with Rex Airlines and Transport Main Roads (TMR) are complete; and
3. Note that the maximum cost of implementing this scheme will be thirty-two thousand dollars (\$32,000) per year.

**CARRIED 5/0**

Mayor adjourned the meeting at 1:11pm.

Mayor recommenced the meeting at 1:38pm.



**13 GOVERNANCE AND COMMUNICATIONS****13.1 CHANGE OF DATE FOR DECEMBER 2023 ORDINARY COUNCIL MEETING****RESOLUTION 2023/190**

Moved: Mayor Kyle Yanner  
Seconded: Cr David Barnes

That Council note the scheduled date for the December 2023 Ordinary Council meeting was not compatible with operational activities; and accordingly, a date change for the December Ordinary Council meeting is endorsed. The meeting will be held 13 December 2023.

**CARRIED 4/0**

At 1:47 pm, Cr Dwayne Rogers returned to the meeting.

**13.2 GOVERNMENT ADVISOR BRETT DE CHASTEL****RESOLUTION 2023/191**

Moved: Cr Roxanne Thomas  
Seconded: Deputy Mayor Robert Thompson

That Council receive and note the presentation from Government Advisor Mr Brett de Chastel.

**CARRIED 5/0**

Item - 13.3 Barge Services Contract - has been moved to another part of the document.

**13.4 EXEMPTION FROM MARCH 2024 COUNCIL MEETING****RESOLUTION 2023/192**

Moved: Cr Dwayne Rogers  
Seconded: Cr David Barnes

That Council receive and note the report related to the Hon. Steven Miles formally endorsing a request to be exempted from holding a March 2024 Council meeting; and uphold the exemption when reviewing adopted 2024 meeting dates.

**CARRIED 5/0**

At 2:06 pm, Mayor Kyle Yanner left the meeting due to conflict of interest while item 13.5 was discussed.

At 2:06 pm, Cr Roxanne Thomas left the meeting due to conflict of interest while item 13.5 was discussed.

**13.5 GUNUNAMANDA LTD. - REQUESTED DEFERRAL AND REPAYMENT PLAN**

**RESOLUTION 2023/193**

Moved: Cr Dwayne Rogers

Seconded: Deputy Mayor Robert Thompson

That Council endorse the Gununamanda Limited formal proposal for a repayment plan to be implemented from July 2024 and the cumulative debt of \$466,031.98 to be paid in increments as per a debt management plan as devised by the Chief Executive Officer and Chief Financial Officer.

**CARRIED 3/0**

At 2:16 pm, Mayor Kyle Yanner returned to the meeting.

At 2:16 pm, Cr Roxanne Thomas returned to the meeting.

**14 HUMAN RESOURCES**

**14.1 HUMAN RESOURCES REPORT - OCTOBER & NOVEMBER 2023**

**RESOLUTION 2023/194**

Moved: Cr David Barnes

Seconded: Cr Dwayne Rogers

That Council receive and note the Human Resources report for December 2023.

**CARRIED 5/0**

**15 HOUSING DEPARTMENT**

**15.1 HOUSING REPORT**

**RESOLUTION 2023/195**

Moved: Cr David Barnes

Seconded: Cr Dwayne Rogers

That Council receive and note the Housing department report for December 2023.

**CARRIED 5/0**

**15.3 DEVELOPMENT APPLICATION REPORT FOR LOT 926 LARDIL STREET****RESOLUTION 2023/196**

Moved: Cr Dwayne Rogers

Seconded: Cr Roxanne Thomas

That Council receive and note the Development Application report for December 2023; and

1. Approve to engage Remote Indigenous Land and Infrastructure Program Office of the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP) to lodge the Development Application (DA) on behalf of Mornington Shire Council; and
2. Material Change of Use (Multiple Dwelling); and
3. Development Permit for the development of four (4) dwellings on Lot 926 Lardil Street SP282722; and
4. Construction of dwellings / development near or over Council infrastructure (sewer) on Lot 926 Lardil Street SP282722.

**CARRIED 5/0**

**16.1 FACILITIES REPORT****RESOLUTION 2023/197**

Moved: Mayor Kyle Yanner

Seconded: Cr Roxanne Thomas

That Council receive and note the Facilities department report for December 2023.

**CARRIED 5/0**

At 3:12 pm, Cr Roxanne Thomas left the meeting.

At 3:13 pm, Cr Roxanne Thomas returned to the meeting.

**15.2 COMMUNITY HOUSING STRATEGY****RESOLUTION 2023/198**

Moved: Deputy Mayor Robert Thompson

Seconded: Cr David Barnes

That Council adopt the Community Housing Strategy as outlined in the report of the Director Housing and Facilities and provide a copy of that strategy to the Department of Housing with a request that it provide clear advice on the timing and level of funding for the construction of further community housing in the Mornington Island community.

**CARRIED 5/0**

Item - 15.3 Development Application Report for Lot 926 Lardil Street - has been moved to another part of the document.

**16 FACILITIES DEPARTMENT**

Item - 16.1 Facilities Report - has been moved to another part of the document.

At 3:24 pm, Mayor Kyle Yanner left the meeting.

At 3:26 pm, Deputy Mayor Robert Thompson left the meeting.

At 3:27 pm, Mayor Kyle Yanner returned to the meeting.

At 3:32 pm, Deputy Mayor Robert Thompson returned to the meeting.

**17 TECHNICAL AND INFRASTRUCTURE SERVICES**

**17.1 TECHNICAL AND INFRASTRUCTURE SERVICES REPORT**

**RESOLUTION 2023/199**

Moved: Cr Dwayne Rogers

Seconded: Deputy Mayor Robert Thompson

That Council receive and note the Technical and Infrastructure Services department report for December 2023.

**CARRIED 5/0**

**18 COMMUNITY DEVELOPMENT REPORT**

Nil

**19 CONFIDENTIAL REPORTS**

**RESOLUTION 2023/200**

Moved: Cr Dwayne Rogers

Seconded: Deputy Mayor Robert Thompson

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:

**13.3 Barge Services Contract**

This matter is considered to be confidential under Section 254J3(e) and 3(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 legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government; and 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;

**CARRIED 5/0**



**RESOLUTION 2023/201**

Moved: Cr Dwayne Rogers

Seconded: Deputy Mayor Robert Thompson

That Council moves out of Closed Council into Open Council.

**CARRIED 5/0**

**13.3 BARGE SERVICES CONTRACT**

**RESOLUTION 2023/202**

Moved: Cr David Barnes

Seconded: Deputy Mayor Robert Thompson

That Council;

1. approves the extension of the existing barge contract with Carpentaria Freight Services Pty Ltd (ACN 138 461 300) for an additional five (5) year period, concluding on 13 November 2028; and
2. that the contract extension document includes a clause that Council has first right of refusal to purchase the barge services business from the existing supplier; and
3. that Council delegates the authority and responsibility to the Chief Executive Officer to enter a barge contract extension and pay for related goods and services as they become due.

**CARRIED 5/0**

**20 NEXT MEETING**

The next meeting will be held on 24 January 2024.

**21 CLOSURE**

Mayor Yanner closed the meeting at 4:00pm

Minutes Confirmed:

Mayor 

Gary Uhlmann

Chief Executive Officer

Initial: 

\$18,000 moral