



**MORNINGTON
PENINSULA**
Shire

MINUTES

COUNCIL MEETING

THURSDAY, 17 MARCH 2022

5.30PM

**MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD**

MORNINGTON PENINSULA SHIRE COUNCIL**WARDS AND COUNCILLORS**

Briars	Cr Steve Holland Cr Anthony Marsh Cr Despi O'Connor
Cerberus	Cr Lisa Dixon
Nepean	Cr Susan Bissinger Cr Sarah Race
Red Hill	Cr David Gill
Seawinds	Cr Antonella Celi Cr Kerri McCafferty Cr Debra Mar
Watson	Cr Paul Mercurio

SENIOR LEADERSHIP TEAM

Mr John Baker Ms Pauline Gordon Mr Mark Brady Mr Mike McIntosh	Chief Executive Officer Director – Community Strengthening Director – Corporate Strategy and Business Improvement Director – Planning and Infrastructure
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1 OPENING AND WELCOME

Meeting opened at 1.31pm

Appointed Chairperson – Mayor, Cr Anthony Marsh

1.1 Acknowledgement of Country

(Read by Cr Dixon)

Mornington Peninsula Shire acknowledges and pays respect to the elders, families and ancestors of the Bunurong/BoonWurrung people, who have been the custodians of this land for many thousands of years. We acknowledge that the land on which we meet is the place of age-old ceremonies, celebrations, initiation and renewal; and that the Bunurong/BoonWurrung peoples' living culture continues to have a unique role in the life of this region.

2 PROCEDURAL MATTERS

Present

Mayor, Cr Anthony Marsh (Chairperson)
Cr Susan Bissinger
Cr Antonella Celi
Deputy Mayor, Cr Lisa Dixon
Cr David Gill
Cr Debra Mar
Cr Kerri McCafferty
Cr Paul Mercurio

Mr John Baker, Chief Executive Officer

2.1 Apologies

Cr Despi O'Connor (Leave of Absence)
Cr Steve Holland
Cr Sarah Race

2.2 Disclosure of Conflicts of Interest Pursuant to Sections 126 – 131 of the *Local Government Act 2020*

Nil.

3 MANAGEMENT REPORTS

Nil.

4 CONFIDENTIAL ITEMS

Advice to the Public

All reports, information and recommendations contained in 'Section 4 – Confidential Items' of this Agenda have been designated by the Chief Executive Officer as confidential pursuant to section 66 (2) (a) of the *Local Government Act 2020*.

MEETING CLOSED TO THE PUBLIC

The Council may resolve that the meeting be closed to members of the public in accordance with section 66 (5) (a) of the *Local Government Act 2020* if the meeting is discussing any of the following:

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.
- (b) Security information, being information that if released is likely to endanger the security of Council property or the safety of any person.
- (c) Land use planning information, being information that if prematurely released is likely to encourage speculation in land values.
- (d) Law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person.
- (e) Legal privileged information, being information to which legal professional privilege or client legal privilege applies.
- (f) Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.
- (g) Private commercial information, being information provided by a business, commercial or financial undertaking that:
 - (i) Relates to trade secrets.
 - (ii) If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- (h) Confidential meeting information, being the records of meetings closed to the public under section 66 (2) (a).
- (i) Internal arbitration information, being information specified in section 145.
- (j) Councillor Conduct Panel confidential information, being information specified in section 169.
- (k) Information prescribed by the regulations to be confidential information for the purposes of this definition.
- (l) Information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*.

RECOMMENDATION

That Council considers the confidential report listed below in a meeting closed to the public in accordance with section 66 (2) (a) of the *Local Government Act 2020*:

4.1 South East Metro Advanced Waste Processing - Commitment Level

This matter is considered to be confidential under sections 3 (1) (a), (g) (ii) and (h) of the *Local Government Act 2020* as it contains information in relation to Council business information, private commercial information, being information if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage and confidential meeting information, being the records of meetings closed to the public under section 66 (2) (a).

COUNCIL DECISION

Moved: Cr Celi

Seconded: Cr Mar

That the recommendation be adopted.

Vote by Division (Requested by Cr Gill)

For: Cr Celi, Cr McCafferty, Cr Mar, Cr Bissinger, Cr Mercurio, Cr Dixon and Cr Marsh

Against: Cr Gill

Carried

4.1 South East Metro Advanced Waste Processing – Commitment Level

Prepared By	Melissa Burrage, Manager – Climate Change and Sustainability
Authorised By	Director – Planning and Infrastructure
Document ID	A11051224
Briefing Note Number	Not applicable
Attachment(s)	

This matter is considered to be confidential under sections 3 (1) (a), (g) (ii) and (h) of the Local Government Act 2020 as it contains information in relation to Council business information, private commercial information, being information provided by a business, commercial or financial undertaking that if released would unreasonably expose the business, commercial or financial undertaking to disadvantage and confidential meeting information, being the records of meetings closed to the public under section 66 (2) (a).

COUNCIL DECISION

Moved: Cr Dixon
Seconded: Cr Bissinger

That Council:

1. Refuses to commit to the South East Metropolitan Advanced Waste Processing Pty Ltd (SEMAWP) procurement process under the proposed terms and timeframe and defers any further decision on this matter for no less than 3 months.
2. Requires the Chief Executive Officer (CEO) and Mayor to advocate and inquire why the State Government is not prepared to underwrite a regionally significant waste project.
3. Requires the CEO to reasonably investigate the risks associated with an unsighted waste contract for a 25-year term and unknown liability.
4. Writes to all shareholders and board of SEMAWP highlighting Council's significant concern with the procurement process and request a delay to the tendering process pending the provision of additional information and a response from the State Government.
5. Resolves that the report and confidential attachments to this report remain confidential as they relate to matters specific under section 3 (1) (a) of the *Local Government Act 2020*.
6. Resolves that this decision remain confidential under section 3 (1) (a) of the *Local Government Act 2020* until the Council decision is disclosed via the Mayor.
7. That the disclosure includes limited background information on the project as permitted.

Carried Unanimously

MEETING RE-OPENED TO THE PUBLIC

Moved: Cr Mercurio
Seconded: Cr Mar

That the meeting be re-opened to the public.

Carried

5 MEETING CLOSE

As there was no further business, the meeting closed at 2.32pm.

Confirmed this 5th day of April 2022

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Mayor, Cr Anthony Marsh, Chairperson - Council