



**MORNINGTON
PENINSULA**
Shire

MINUTES

COUNCIL MEETING

TUESDAY, 30 AUGUST 2022

5.30PM

ONLINE ZOOM MEETING

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 Ms Sam Stanton Mr Mike McIntosh	Chief Executive Officer Director – Community Strengthening Director – Corporate Strategy and Business Improvement Director – Planning and Infrastructure
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RECORDING

Please note that this Council Meeting was livestreamed to the Mornington Peninsula Shire's YouTube channel and a recording of the meeting is available on the Shire's website.

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1 OPENING AND WELCOME

Meeting opened at 5.39pm

Appointed Chairperson – Mayor, Cr Anthony Marsh

1.1 Acknowledgement of Country

(Read by Cr O'Connor)

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 Steve Holland
Cr Debra Mar
Cr Kerri McCafferty
Cr Despi O'Connor
Cr Sarah Race

Mr John Baker, Chief Executive Officer

2.1 Apologies

Cr Paul Mercurio (Leave of Absence)

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 Esso Australia Pty Ltd - Appeal to VCAT - Issue of Development Licence

This matter is considered to be confidential under section 3 (1) (e) of the *Local Government Act 2020*. It contains legal privileged information.

COUNCIL DECISION

Moved: Cr Race
Seconded: Cr Dixon

That the recommendation be adopted.

Carried

4.1 Esso Australia Pty Ltd - Appeal to VCAT - Issue of Development Licence

This matter is considered confidential under section 3 (1) (e) of the Local Government Act 2020. It contains information in relation to legal information.

COUNCIL DECISION

Moved: Cr Celi
Seconded: Cr Holland

1. That Council determines not to file an objection to the issuing of Development Licence DL0003000015 to Esso Australia Pty Ltd by the Environment Protection Authority.
2. That the Chief Executive Officer provides progress updates on the objection lodged to the Minister for Planning in relation to planning permit application PA2201534 as resolved by Council at its meeting on 20 June, 2022.
3. That Council resolves that the Council report and Attachment 1 be retained as confidential items pursuant to section 3 (1) (e) of the *Local Government Act 2020* as they contain legally privileged information to which legal professional privilege applies.
4. That Council resolves that the decision is not confidential pursuant to section 3 (1) of the *Local Government Act 2020*.

Carried

Attendance

Cr Bissinger left the meeting at 5.47pm and returned at 5.53pm prior to consideration of this item.

MEETING RE-OPENED TO THE PUBLIC

Moved: Cr Holland
Seconded: Cr Mar

That the meeting be re-opened to the public at 6.13pm.

Carried

5 MEETING CLOSE

As there was no further business, the meeting closed at 6.13pm.

Confirmed this 4th day of October 2022

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Deputy Mayor, Cr Lisa Dixon, Chairperson - Council