



Minutes of the Ordinary Meeting of Bayside City Council

The Meeting was held in the Council Chambers
Civic Centre, Brighton
on Tuesday 24 February 2015

The Meeting commenced at 7.00pm

PRESENT:

Cr Felicity Frederico (Mayor)
Cr Alex del Porto
Cr Michael Heffernan
Cr James Long BM JP
Cr Bruce Lowe
Cr Heather Stewart

OFFICERS IN ATTENDANCE:

Adrian Robb	Chief Executive Officer
Steven White	Director Infrastructure Services
Kaylene Conrick	Director Community Services
Mick Cummins	Director Corporate Services
Shiran Wickramasinghe	Director City Strategy
Terry Callant	Manager Governance & Performance Reporting
Ken Bott	Manager Infrastructure Assets
Matt Kelleher	Manager Urban Strategy
Janice Pouw	Governance Officer

The Chairperson declared the meeting open at 7.00pm and advised members of the public gallery that the Council meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside Community.

The Chairperson invited Cr del Porto to read the prayer.

1. Prayer

Cr del Porto read the prayer at the commencement of the meeting.

O God
Bless this City, Bayside,
Give us courage, strength and wisdom,
So that our deliberations,
May be for the good of all,
Amen

2. Acknowledgement of Original Inhabitants

The Chairperson invited Cr Lowe to read the acknowledgement of the original inhabitants of this land.

- ◆ We acknowledge that the original inhabitants of this land that we call Bayside were the Boon wurrung people of the Kulin nation.
- ◆ They loved this land, they cared for it and considered themselves to be part of it.
- ◆ We acknowledge that we have a responsibility to nurture the land, and sustain it for future generations.

- 3. Apologies** – An apology from Cr Evans was submitted to the 27 January 2015 Ordinary Meeting of Council.

Moved: Cr del Porto

Seconded: Cr Lowe

That the apology from Cr Evans be received and noted and leave of absence is in accordance with Council's resolution dated 27 January 2015.

CARRIED

4. Disclosure of any Conflict of Interest of any Councillor

- Cr del Porto declared a direct conflict of interest in item 10.8 given he owns a property in Well Street which is in the Church Street Major Activity Centre. The height controls may have a direct financial effect on his property.
- Cr Stewart declared a direct conflict of interest in item 10.5 given she owns a property within the DDO2, Cheltenham area. The height and built form controls may have a direct financial impact on her property.
- Cr Lowe declared an indirect conflict of interest in item 10.12 where residential amenity may be altered as the proposed establishment of a café may affect his residential amenity.

5. Adoption and Confirmation of the minutes of previous meeting

5.1 Confirmation of the Minutes of the Ordinary Meeting of Council held on Tuesday 27 January 2015

Moved: Cr del Porto

Seconded: Cr Heffernan

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 27 January 2015 as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

6. Public Question Time

In accordance with Section 64 of Council's Governance Local Law No 1, 3 public questions were submitted to the Meeting. In accordance with Section 64 part 15 where a questioner is not present in the Chamber at the time of Public Question Time, the question and response will not be read out at the meeting or recorded in the minutes.

1. Mr Chris Sutton (present in the gallery)

In response to a question submitted to Public Question Time at the Ordinary Meeting of Council on 16 December 2014, Council stated the completion of the path installation and the indigenous specimen tree and buffer planting at the Beaumaris Community Centre (referred to as Beaumaris Reserve) is to be funded from its 2015/16 operating budget.

Council is asked to detail the budgeted value of the path installation and the indigenous specimen tree and buffer planting and clarify whether the words "path installation" refers to the extension of the curved footpath treatment from the library to Victor Street (the south boundary of the Beaumaris Community Centre). An estimate value is sufficient at this time if final budget figures are unavailable.

Response

Works programmed for 15/16 include installation of a gravel path from the sportsground driveway to the 'Village Green'. The cost of constructing the path, specimen tree planting and buffer planting is estimated to be approximately \$7,000. The extension of the Reserve Road footpath from the Library to Victor Street is not part of this work and will be submitted as a capital project in the 2016/17 budget process.

2. Mr Kevin Spencer (present in the gallery)

Apparently Bayside Council is to hold another inappropriate festival in the heritage overlay Brighton Beach Gardens at Green Point Brighton, whereas in councils final design for the Green Point Car Park it stated " Ensure existing event activities including the "Bright n Sandy Food & Wine Festival", "Challenge Melbourne Triathlon", and Weddings can continue to be accommodated within the Car Park, therefore will Council;

- A. Ensure that it limits the movement of all vehicles both private and commercial to that of the newly reconstructed car park for any future event activities.
- B. Enforce its Standard Town Planning Conditions regarding Tree & Vegetation Protection with appropriate fencing about the Gardens Trees and Shrubs so as to give some protection for there survival from commercial activity that may violate the gardens.

Response

- a) The improved car parking at Green Point is designed to support general foreshore car parking and the organisation of events. As large events require the set up and removal of temporary equipment vehicle access to the park area is required to minimise public risk. Vehicle access is restricted and requires Council approval.



- b) Council's Town Planning Conditions apply to streetscape asset protection and protection of trees on private land that may be impacted by private developments. They are not applicable to conduct of events at Green Point. To minimise the impact upon trees and vegetation from event based activities Council's Event Permit process considers the placement of temporary infrastructure, access and egress points and traffic and pedestrian management. To ensure compliance with Event Permit conditions, Council routinely undertakes pre and post event inspections.
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3. Mr Kevin Spencer (present in the gallery)

At the last Ordinary Meeting of Council held on the 27 January 2015, a petition demanding Bayside City Council rectify the unkempt appearance of Warleigh Grove opposite the North Brighton Station, due to rubbish bins on footpath and graffiti on surrounding walls, resulting with a recommendation that the petition be received and referred to the Chief Executive Officer for consideration and response.

- A. As it is now been a lengthy time since the Petition was served on Council, what has been the outcome of the CEO's consideration of the Petition ?
- B. As the petition was within the period to the 31 January 2015 for the schedule of Council Actions Awaiting Report, why did it not feature in this reporting schedule in tonight's Agenda be it Part A. or part B.

Response

- a) Since the petition was received shop owners and residents have been advised to place bins along the wall while the traffic engineers develop an option to improve pedestrian access on bin collection days. Local Law Officers have provided a copy of the Local Law governing domestic waste collection. Notices to Comply have been issued to residents who have failed to return bins to their property or have failed to remove any waste which has spilled onto the road. Local Laws officers will continue to patrol the area to ensure garbage bins are not overflowing, lids are properly closed, and bins are returned to properties after collection. The wall in Warleigh Grove has recently been cleaned of graffiti and repainted by the property owner. A letter of response to the lead petitioner has been sent.
- b) The matter is not listed on the Council Actions Awaiting Report as it was referred to the Chief Executive Officer for response. No further Council consideration of this petition was requested.



7. Petitions to Council

7.1 Petition: Proposed Toilet Facility at Dendy Street Playground

Infrastructure Services – Infrastructure Assets
File No: FOL/14/1234

“We the undersigned Bayside residents as well as other regular users of this Playground, object to the proposed construction and location of an “Amenities Block” as depicted in the Architects design document of the 12.6.2014, on the following grounds:

- The location of the facility on the street front, open 24 hrs a day, will attract all passers-by and will encourage anti-social and other illegal behaviour, while not directly serving the needs of the playground users.*
- The location of the facility at a distance from the playground and facing towards the street will not be in full view of the playground to enable us to monitor its use and be available for younger children to go to the toilet unescorted.*
- Erecting the toilet facility outside and close to the south west corner of the playground will place the toilet in full view of users and will be less likely to attract undesirable elements.*
- A three bay facility is excessive to the playground users’ requirements and not in line with the Council’s approach in other playgrounds. For example a two cubicle Exeloo facility has been installed at Elsternwick and Thomas Street playgrounds while other Councils have settled for a one cubicle facility as that installed at Koornang Park.*

We therefore request the Council to reconsider its proposal and provide for us a facility that is more in line with our requirements, closer to the playground, in full view of the playground, with a lock-down time after 7pm, and in a location that will not attract other undesirable elements.” (14 signatories)

Moved: Cr Long

Seconded: Cr Lowe

That the petition be received and referred to the Chief Executive Officer for consideration and a response to the head petitioner before 24 March 2015.

CARRIED

8. Reports by Advisory Committees

8.1 *Assembly of Councillors Record*

Corporate Services - Governance
File No: FOL/14/1097

Moved: Cr Long

Seconded: Cr Heffernan

That Council notes the Assembly of Councillor records submitted as required by the Local Government Act.

CARRIED

9. Reports by Special Committees

There were no reports by Special Committees submitted to the meeting.

10. Reports by the organisation

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REQUESTS TO BE HEARD:

In accordance with Council's Governance Local Law No.1 Clause 69, the following individuals were granted three minutes each to speak to an item indicated below.

Item 10.1 Parking in Well Street, Brighton

1. Mr Norman Thomas
2. Mr Robert Green
3. Mrs Rosemary Loschiavo

Item 10.6 Bayside Planning Scheme Amendment C113 – Proposed Mandatory Height Controls – Sandringham Village Major Activity Centre

1. Dr Fiona Best
2. Mrs Sarah Henry
3. Mr Andrew Piddington
4. Mr Kevin Hibberson

Item 10.7 Bayside Planning Scheme Amendment C114 – Proposed Mandatory Height Controls – Bay Street Major Activity Centre

1. Mr Chris Bishop

Item 10.12 Brighton Cultural Precinct

1. Mr Kevin Spencer



10.1 *Petition: Parking in Well Street, Brighton*

Infrastructure Services – Infrastructure Assets
File No: FOL/14/202

It is recorded that Mr Norman Thomas, Mr Robert Green and Mrs Rosemary Loschiavo spoke in relation to this matter.

Moved: Cr del Porto

Seconded: Cr Long

That Council:

1. introduce 4 hour parking restrictions on the south side of Well Street between Burrows Street and Halifax Street consistent with other 4 hour parking restriction times in the area.
2. notifies the head petitioner of the outcome of this matter.

The Motion was Put and a **DIVISION** was called.

DIVISION: **FOR:** Crs Stewart, Long, del Porto and Frederico (4)
 AGAINST: Crs Heffernan and Lowe (2)

CARRIED

10.2 Proposal to sell 5-11 Sandringham Road, Sandringham

Corporate Services – Commercial Services
File No: FOL/15**Moved: Cr Stewart****Seconded: Cr Lowe**

That Council:

1. resolves to give public notice under Section 189 and 223 of the *Local Government Act 1989* of the intention to sell the Land at 5-11 Sandringham Road, Sandringham;
2. establishes a Special Committee of Council in accordance with Section 223 of the *Local Government Act 1989* consisting of all Councillors with a quorum of (4) Councillors to consider any submissions received pursuant to Section 223 of the *Local Government Act 1989* at a meeting to be held on Tuesday 31 March 2015 in the Council Chambers, Boxshall Street, Brighton in relation to the proposed sale of the land at 5-11 Sandringham Road, Sandringham;
3. in the event that no submissions are received under Section 223 of the *Local Government Act 1989* to the proposed sale of the Land, delegates authority to the Director Corporate Services to sell the Land by public auction with a reserve price at the sworn valuation not more than six months old at the time of sale;
4. in the event that the reserve price is not achieved, authorises the Director Corporate Services to negotiate the sale privately with the highest bidder in the first instance, at a price no less than 5% below the reserve price;
5. in the event of negotiations being unsuccessful, authorises the Director Corporate Services to negotiate privately at a price no less than 5% below the reserve price;
6. authorises the Director Corporate Services to sign and seal all documentation associated with the proposed sale and transfer of the land on behalf of Council for the price in accordance with points 3, 4 or 5 above; and
7. transfers the net proceeds of the sale to the Infrastructure Reserve to be used for the upgrade of kindergarten facilities: with the designs to commence in 2015/16.

CARRIED

10.3 Naming of the Sports Pavilion at Boss James Reserve

Corporate Services - Governance
File No: COR 1234

Moved: Cr Long

Seconded: Cr Lowe

That Council:

1. approves of the naming of the Boss James Pavilion to be known as the "The Wright-Scarlett Pavilion", and funds a suitable plaque up to \$1,500 to mark the occasion;
2. congratulates both Clubs for the collegiate way the proposal has been put forward.

The Motion was Put and a **DIVISION** was called.

DIVISION: **FOR:** Crs Stewart, Long, Heffernan, del Porto, Lowe and Frederico (6)
AGAINST: Nil (0)

CARRIED

**10.4 Proposed Beaumaris Sports Club at Banksia Reserve –
Update No. 10**Community Services – Youth, Recreation & Events
File No: A/20066

Moved Cr Stewart**Seconded Cr del Porto**

That Council receives a report at the 28 April 2015 Council meeting that verifies Beaumaris Sports Club's financial position and confirms cash in bank.

CARRIED

It is recorded Cr Stewart declared a direct conflict of interest in item 10.5 given she owns a property within the DDO2, Cheltenham area. The height and built form controls may have a direct financial impact on her property.

Cr Stewart was not present in the Chamber when this item was considered and vacated the Chamber at 7.58pm.

**10.5 Response to the Notice of Motion 235 (16 December 2014) and
Petition (25 November 2014) regarding Height and Built Form
Controls in Highett and Cheltenham**City Strategy – Urban Strategy
File No: PSF/15/141

Moved: Cr del Porto**Seconded: Cr Long**

That Council notes the report responding to Notice of Motion 235 (Mandatory Height Controls DDO5) and the petition "DDO5 & DDO2 Highett and Cheltenham".

CARRIED

It is recorded that Cr Stewart vacated the Chamber immediately prior to the discussion on this item and was not present in the Chamber whilst the vote was taken on this matter.

It is recorded Cr Stewart re-entered the Chamber at 8pm following the consideration of the above item.

**10.6 Bayside Planning Scheme Amendment C113 – Proposed
Mandatory Height Controls – Sandringham Village Major
Activity Centre**

City Strategy – Urban Strategy
File No: PSF/12/2439

It is recorded that Dr Fiona Best, Mrs Sarah Henry, Mr Andrew Piddington and Mr Kevin Hibberson spoke in relation to this matter.

Moved: Cr Stewart

Seconded: Cr del Porto

That Council:

1. defers a decision on Amendment C113 until its Ordinary Meeting of 28 April 2015;
2. advocates to the Minister for Planning seeking his support to approve the amendment; and
3. writes to all submitters and advises them accordingly.

The Motion was Put and a **DIVISION** was called.

DIVISION: **FOR:** Crs Stewart, Long, Heffernan, del Porto, Lowe and Frederico (6)

AGAINST: Nil (0)

CARRIED

**10.7 Bayside Planning Scheme Amendment C114 – Proposed
Mandatory Height Controls – Bay Street Major Activity Centre**
City Strategy – Urban Strategy
File No/12/2440

It is recorded that Mr Chris Bishop spoke in relation to this matter.

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council:

1. defers a decision on Amendment C114 until its Ordinary Meeting of 28 April 2015;
2. advocates to the Minister for Planning seeking his support to approve the amendment; and
3. writes to all submitters and advises them accordingly.

The Motion was Put and a **DIVISION** was called.

DIVISION: **FOR:** Crs Stewart, Long, Heffernan, del Porto, Lowe and Frederico (6)

AGAINST: Nil (0)

CARRIED

Cr del Porto declared a direct conflict of interest in item 10.8 given he owns a property in Well Street which is in the Church Street Major Activity Centre. The height controls may have a direct financial effect on his property.

Cr del Porto was not present in the Chamber when this item was considered and vacated the Chamber at 8.24pm.

10.8 ***Bayside Planning Scheme Amendment C115 – Proposed
Mandatory Height Controls – Church Street Major Activity
Centre***

City Strategy – Urban Strategy
File No: FOL/12/2441

Moved: Cr Heffernan

Seconded: Cr Lowe

That Council:

1. defers a decision on Amendment C115 until its Ordinary Meeting of 28 April 2015;
2. advocates to the Minister for Planning seeking his support to approve the amendment; and
3. writes to all submitters and advises them accordingly.

The Motion was Put and a **DIVISION** was called.

DIVISION: **FOR:** Crs Stewart, Long, Heffernan, Lowe and Frederico (5)
 AGAINST: Nil (0)

CARRIED

It is recorded that Cr del Porto vacated the Chamber immediately prior to the discussion on this item and was not present in the Chamber whilst the vote was taken on this matter.

It is recorded Cr del Porto re-entered the Chamber at 8.25pm following the consideration of the above item.

Moved: Cr del Porto

Seconded: Cr Stewart

That items 10.9 and 10.10 be dealt with as a block motion and the recommendations be adopted.

CARRIED

10.9 *General Revaluation 2014*

Corporate Services - Finance
File No: FOL/13/37696

1. That pursuant to the provisions of Section 13DH of the Valuation of Land Act 1960, Council notes the Return of the 2014 General Valuation; and
2. That pursuant to the provision of the Valuation of Land Act 1960, Council adopts the 2014 General Valuation.

NOTE – Item 10.9 was **CARRIED** as part of a block motion.

10.10 *General Revaluation 2016*

Corporate Services – Finance
File No: FOL/1337696

That Council:

1. pursuant to the Valuation of Land Act 1960, undertakes a General Valuation of all rateable and non-rateable properties within the municipal boundaries of Bayside City Council to be returned no later than 30 June 2016;
2. pursuant to Section 13DA of the Valuation of Land Act 1960, appoints Matheson Stephen Valuations Australia Pty Ltd for the making and return of the General Valuation;
3. pursuant to Section 6(4) of the Valuation of Land Act 1960, appoints Matheson Stephen Valuations Australia Pty Ltd to value land within the municipality in addition to the return of the Net Annual Value the Site Value and the Capital Improved Valuation of all properties within the municipal boundaries of Bayside City Council;
4. pursuant to Section 6(1) of the Valuation of Land Act 1960, advises the Valuer General and other relevant rating authorities of the resolution to cause such a General Valuation to be made; and
5. receives the statutory declaration by Briony Stephen and Shelly Wijaya Paini Contract Valuers engaged by Matheson Stephen Valuations Australia Pty Ltd for the purposes of returning a General Valuation to be effective from 1 July 2016.

NOTE – Item 10.10 was **CARRIED** as part of a block motion.

10.11 *Bayside Acquisitive Art Prize*

Community Services – Family & Cultural Services
File No: FOL/13/394

Moved: Cr del Porto

Seconded: Cr Stewart

That Council:

1. endorses the judging arrangements for the Bayside Acquisitive Art Prize; and
2. nominates Councillors Frederico and Long to participate in the short-listing and final judging of the Bayside Local Art Prize.

CARRIED

It is recorded Cr Lowe declared an indirect conflict of interest in item 10.12 where residential amenity may be altered as the proposed establishment of a café may affect his residential amenity.

Cr Lowe was not present in the Chamber when this item was considered and vacated the Chamber at 8.29pm.

10.12 Brighton Cultural Precinct

Community Services – Family & Cultural Services
File No:

It is recorded that Mr Kevin Spencer spoke in relation to this matter.

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council:

1. notes the Brighton Cultural Precinct Report and Pre-Feasibility Study of Commercial Uses;
2. commences a process for the development of an Expression of Interest for a café in the former Brighton Courthouse;
3. delegates authority to the Chief Executive Officer to prepare documentation and call for expressions of interest (EOI) in May 2015 for the development of a café in the former Brighton Courthouse. The EOI documentation will address the following areas:
 - Carparking and traffic impacts;
 - Scale of the café, hours of operation and impacts on local amenity;
 - Heritage and open space issues;
 - Building and siting issues;
 - Likely commercial viability
4. consults with residents in the vicinity of the Brighton Cultural Precinct of the expression of interest and commits to engaging residents during the expression of interest process and take their feedback into account.
5. notes that the operation of any future café will be subject to the normal planning permit process.

CARRIED

It is recorded that Cr Lowe vacated the Chamber immediately prior to the discussion on this item and was not present in the Chamber whilst the vote was taken on this matter.

It is recorded Cr Lowe re-entered the Chamber at 8.40pm following the consideration of the above item.

10.13 *Telecommunications Services*

Corporate Services – Information Services
File No:

Moved: Cr Stewart

Seconded: Cr del Porto

That Council:

1. accepts the tender for contract number CON/14/129 for the supply of Telecommunications Services from TPG, for the total sum of \$617,076 (Excluding GST);
2. authorises the Chief Executive Officer to sign all necessary documentation related to contract number CON/14/129 Telecommunications Services; and
3. advises the unsuccessful suppliers accordingly

CARRIED

10.14 *Risk Management Policy Review*

Corporate Services – Commercial Services
File No: PSF/12/4254

Moved: Cr del Porto

Seconded: Cr Stewart

That Council adopts the Risk Management Policy as attached to this report.

CARRIED

Moved: Cr Stewart

Seconded: Cr del Porto

That items 10.15 and 10.16 be dealt with as a block motion and the recommendations be adopted.

CARRIED

10.15 *VCAT Decisions*

City Strategy – Statutory Planning
File No: COR/1234

That the report on the VCAT decisions on the planning applications recorded since the last Council Meeting be received and noted.

NOTE – Item 10.15 was **CARRIED** as part of a block motion.

10.16 *Council Action Awaiting Report*

Corporate Services - Governance
File No: FOL/14/1234

That Council notes the Council Action Awaiting Report.

NOTE – Item 10.16 was **CARRIED** as part of a block motion.

11. Reports by Delegates

Reports by Delegates from the following organisations:

1. **Association of Bayside Municipalities** – Cr Frederico
Cr Frederico reported that the next scheduled meeting is 26 February.
2. **MAV Environment Committee** – Director City Strategy
The Director City Strategy reported that the next scheduled meeting is 26 February.
3. **Metropolitan Transport Forum** – Director Infrastructure Services
The Director Infrastructure Services reported on the meeting held on 4 February where discussion included provision of bus services and advised that a new Chairman was appointed.
4. **Municipal Association of Victoria** – Cr Frederico
Cr Frederico reported that the next meeting is scheduled for Thursday 26 February. The Mayor advised that the MAV are currently in caretaker mode prior to the election of the board.
5. **Inner South Metropolitan Mayors' Forum** – Cr Frederico
The Mayor reported of her recent attendance with the Chief Executive Officer at the Inner South Metropolitan Mayors' Forum. Discussion included rate capping, bus transport services and advocated changes for bus routes.
6. **Metro Waste & Resource Recovery Group** – Cr Stewart
Cr Stewart reported on the recent meeting of the Metro Waste & Resource Recovery Group where recycling of mattresses was one of the topics discussed.

Moved: Cr Stewart

Seconded: Cr del Porto

That the delegates reports be received and noted.

CARRIED

12. Urgent Business

There were no items of urgent business submitted to the meeting.

13. Notices of Motion

There were no Notice of Motions submitted to the meeting.

14. Confidential Business

Moved: Cr del Porto

Seconded: Cr Long

That pursuant to Section 89(2) of the Local Government Act 1989, the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 89(2) of such Act.

- (a) *Personnel matters;*
- (b) *The personal hardship of any resident or ratepayers;*
- (c) *Industrial matters;*
- (d) *Contractual matters;*
- (e) *Proposed developments;*
- (f) *Legal advice;*
- (g) *Matters affecting the security of Council property;*
- (h) *Any other matter which the Council or Special Committee considers would prejudice the Council or any person;*
- (i) *A resolution to close the meeting to members of the public.*

CARRIED

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14.1 Confidential Contractual Attachments: CON14/129 – Telecommunications Services

(LGA 1989 Section 89(2)(d) Contractual matters)

It is recorded that the public gallery was vacated to enable Council to consider the above listed items in Confidential Business.

Following consideration of Confidential Business the Chairperson declared the meeting closed at 8.47pm.

CONFIRMED THIS 24 DAY OF MARCH 2015

CHAIRPERSON:

