



City of  
Newcastle



## CITY OF NEWCASTLE

Councillors

In accordance with section 367 of the Local Government Act, 1993 notice is hereby given that an **EXTRAORDINARY MEETING** of the Council will be held as follows:

**DATE:** Tuesday 11 February 2020

**TIME:** 7.30pm

**VENUE:** Council Chambers  
2nd Floor, City Hall  
290 King Street  
Newcastle NSW 2300

J Bath  
Chief Executive Officer

**City Administration Centre  
12 Stewart Avenue  
NEWCASTLE WEST NSW 2302**

**Please note:**

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**EXTRAORDINARY COUNCIL MEETING  
11 February 2020**

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**NOTE: ITEMS MAY NOT NECESSARILY BE DEALT WITH IN NUMERICAL ORDER**

**CONFIDENTIAL REPORTS**

**ITEM-1                      CON 11/02/20 – CONTRACTS MATTER**

**REPORT BY:                CITY WIDE SERVICES**

**CONTACT:                 INTERIM DIRECTOR CITY WIDE SERVICES / MANAGER  
WASTE SERVICES**

**REASON FOR CONFIDENTIALITY**

This report has been classified confidential in accordance with the provisions of the Local Government Act 1993 as follows:

Section 10A(2)(d) of the Act provides that Council can close a meeting to consider commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:

- (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
- (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**GROUND FOR CLOSING PART OF THE MEETING**

In respect to Section 10D(2) the grounds on which part of a meeting is to be closed for the discussion of the particular item must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. Accordingly, an appropriate resolution to proceed is required first.

**MOTION TO PROCEED**

The discussion of the confidential report take place in a closed session, with the press and public excluded, for the following reasons:

- A    The matter relates to varying a contract for the collection of recyclables and to award a contract for the processing of recyclables.
- B    It is contrary to the public interest to discuss commercial contracts in an open meeting because the information provided to Council by those commercial parties is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.