



THE CITY OF NEWCASTLE



Councillors

Pursuant to Local Government (General) Regulation 2005 and Clause 5 of the Code of Meeting Practice notice is hereby given that an **EXTRAORDINARY MEETING** of the Council will be held as follows:

DATE: Tuesday 10 May 2016
TIME: 6.45pm
VENUE: Council Chambers
2nd Floor
City Hall

F Cordingley
Interim Chief Executive Officer

**City Administration Centre
282 King Street
NEWCASTLE NSW 2300**

5 May 2016

BUSINESS

1 **CONFIDENTIAL REPORTS**

ITEM- 14 - CON 26/04/16 - NEWCASTLE WAR MEMORIAL CULTURAL CENTRE - WINDOW UPGRADE AND STRUCTURAL WORKS CONTRACT NO. 2016/388T

ITEM 16 - CON 26/04/16 - NEWCASTLE CITY COUNCIL ADMINISTRATION BUILDING FACADE REPAIR AND DRIVEWAY UPGRADE CONTRACT NO. 2016/317T

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**EXTRAORDINARY COUNCIL MEETING
10 May 2016**

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NOTE: COUNCIL RESOLVED ON 26 APRIL 2016 TO LAY THE ABOVE REPORTS ON THE TABLE PENDING ADDITIONAL INFORMATION BEING PROVIDED AT COUNCILLOR WORKSHOPS SCHEDULED TO BE HELD ON 10 MAY 2016 PRIOR TO THE HOLDING OF THE EXTRAORDINARY COUNCIL MEETING.

CONFIDENTIAL REPORTS

ITEM-14 **CON 26/04/16 - NEWCASTLE WAR MEMORIAL CULTURAL CENTRE - WINDOW UPGRADE AND STRUCTURAL WORKS CONTRACT NO. 2016/388T**

REPORT BY: **INFRASTRUCTURE**
CONTACT: **ACTING DIRECTOR INFRASTRUCTURE / MANAGER PROJECTS AND CONTRACTS**

PURPOSE

To accept a tender for the Newcastle War Memorial Cultural Centre – Window Upgrade and Structural Works.

As the value of the works exceeds \$150,000, the *Local Government (General) Regulation 2005* (**Regulation**) requires Council's acceptance of the tender.

REASON FOR CONFIDENTIALITY

This report has been classified confidential in accordance with the provisions of the *Local Government Act 1993* (**Act**) 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) of the Act, 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 tenders for the Newcastle War Memorial Cultural Centre – Window Upgrade and Structural Works Contract No. 2016/388T.
 - B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers 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 by tenderers. 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.
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**ITEM-16 CON 26/04/16 - NEWCASTLE CITY COUNCIL
ADMINISTRATION BUILDING FACADE REPAIR AND
DRIVEWAY UPGRADE CONTRACT NO. 2016/317T**

**REPORT BY: INFRASTRUCTURE
CONTACT: ACTING DIRECTOR INFRASTRUCTURE / MANAGER
PROJECTS AND CONTRACTS**

PURPOSE

To accept a tender for the Newcastle City Council Administration Building Façade Repair and Driveway Upgrade.

As the value of the works exceeds \$150,000, the *Local Government (General) Regulation 2005 (Regulation)* requires Council's acceptance of the tender.

REASON FOR CONFIDENTIALITY

This report has been classified confidential in accordance with the provisions of the *Local Government Act 1993 (Act)* 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
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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 tenders for Newcastle City Council Administration Building Façade Repair and Driveway Upgrade Contract No. 2016/317T.
 - B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers 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 by tenderers. 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.
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