

# AMENDED ITEM

10 December 2014  
To the Ordinary Council Meeting

Procedural Item  
General Manager's Unit

## 1.5 Notice of Intention to Deal with Matters in Confidential Session

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TRIM REFERENCE: F2013/02042-02 - D11691033

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### SUMMARY

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the "Confidential" business paper which has been circulated to Councillors.

The Local Government Act, 1993 requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the Local Government Act, 1993.

### RECOMMENDATION

- 1 ***That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2c)(2d) and (2e), if the Local Government Act 1993:***
  - 7.1 ***Councillor Outcome Report***
  - 7.2 ***Contract Extension CPA/101670 "Receival and Processing of Organics for Wyong Shire Council" with Australian Native Landscapes***
  - 7.3 ***Contract Extension CPA/101670 "Receival and Processing of Organics for Wyong Shire Council" with Australian Native Landscapes***
  - 7.4 ***Acquisition of Former Wyong Courthouse***
  
- 2 ***That Council note its reason for considering Report No 7.1 Councillor Outcome Report as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council, or reveal a trade secret.***
  
- 3 ***That Council note its reason for considering Report No 7.2 Contract Extension CPA/101670 "Receival and Processing of Organics for Wyong Shire Council" with Australian Native Landscapes as it commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council, or reveal a trade secret and information that would, if disclosed, prejudice the maintenance of law.***

## 1.5 Notice of Intention to Deal with Matters in Confidential Session (contd)

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- 4 ***That Council note its reason for considering Report No 7.3 Contract Variation Report CPA/101670 "Receival and Processing of Organics for Wyong Shire Council" with Australian Native Landscapes as it commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council, or reveal a trade secret and information that would, if disclosed, prejudice the maintenance of law.***
- 5 ***That Council note its reason for considering Report No 7.4 Acquisition of Former Wyong Courthouse as information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council, or reveal a trade secret.***
- 6 ***That Council request the General Manager to report on this matter in open session of Council.***

Note: Explanation - Section 10A of the Local Government Act 1993 states:

- 2(a) personnel matters concerning particular individuals (other than Councillors),*
- 2(b) the personal hardship of any resident or ratepayer,*
- 2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*
- 2(d) commercial information of a confidential nature that would, if disclosed:*
  - (i) prejudice the commercial position of the person who supplied it, or*
  - (ii) confer a commercial advantage on a competitor of the Council, or*
  - (iii) reveal a trade secret,*
- 2(e) information that would, if disclosed, prejudice the maintenance of law,*
- 2(f) matters affecting the security of the Council, Councillors, Council staff or Council property,*
- 2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
- 2(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land."*

Nil