

The Meeting commenced at 4.15pm.

## **IN ATTENDANCE**

Administrators Mr Garry Payne (Chairman), Ms Lucy Turnbull, Mr Max Boyd.

Also present were Dr John Griffin (General Manager), Mr Michael Chorlton (Acting Director Governance & Corporate Services), Mr Mike Rayner (Director Engineering & Operations), Mr Noel Hodges (Director Planning & Development), Mr Don Buckley (Director Environment & Community Services), Mr Neil Baldwin (Governance Officer/Public Officer) and Mrs Meredith Smith (Minutes Secretary).

## **ABORIGINAL STATEMENT**

Administrator Payne acknowledged the Bundjalung Aboriginal Nation with the following statement:

*"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners of these lands."*

## **PRAYER**

The meeting opened with a Prayer by Council's Chaplain, Pastor Andrew Brown.

*"The integrity of the upright guides them ...*

*Prov. 11:3*

*Lord God, the Council would seek your guidance for its duties this afternoon, so that its outcomes might be both expedient and ethical. From where we stand, the right course is not always clear, and leadership responsibility may place the Council in unforeseen dilemmas. But You, Lord, have legitimated political structures. We would ask for the Council and its Committees the kind of integrity that desires the right course, the hopefulness that believes a right course can still be found, and the incisive wisdom that finds a way to follow that course.*

*We pray this to You who sees every heart and hand,*

*Through Your Son, Jesus.*

*Amen."*

## CONFIRMATION OF MINUTES

### Minutes of the Ordinary and Confidential Meeting held 5 October 2005

#### 535 COUNCIL DECISION:

Administrator Boyd  
Administrator Turnbull

**RESOLVED** that the Minutes of the Council Meeting held Wednesday 5 October 2005 be adopted as a true and accurate record of proceedings of that meeting.

*FOR VOTE - Unanimous*

#### APOLOGIES

Nil.

#### DISCLOSURE OF INTEREST

Nil.

#### ITEMS TO BE MOVED FROM ORDINARY TO CONFIDENTIAL - CONFIDENTIAL TO ORDINARY

Nil.

#### SCHEDULE OF OUTSTANDING RESOLUTIONS

##### Schedule of Outstanding Resolutions

#### 536 COUNCIL DECISION:

Administrator Boyd  
Administrator Turnbull

**RESOLVED** that this report be received and noted.

*FOR VOTE - Unanimous*

## ADMINISTRATOR'S MINUTE

### [AM] Signing of Documents

The following documents have been signed by the Administrators on behalf of and in accordance with resolutions of Council

#### Administrator Payne

21 September 2005 Licence Agreement with Department of Lands - Cudgera Creek Services Crossing

#### Administrator Boyd

11 October 2005 Tenancy Agreement - Australian Rail Track Corporation Limited - Buchanan Street Depot Parking Area

### 537 COUNCIL DECISION:

Administrator Turnbull  
Administrator Boyd

**RESOLVED** that the information be received and noted.

***FOR VOTE - Unanimous***

### [AM] Design Quality in Tweed Shire Council Update

### 538 COUNCIL DECISION:

Administrator Turnbull  
Administrator Boyd

**RESOLVED** that the contents of the Design Quality in Tweed Shire Update be noted.

***FOR VOTE - Unanimous***

**[AM] Kings Forest Draft Local Environmental Plan Amendment No 20**

**539 COUNCIL DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RESOLVED** that:-

1. Council notes that the development of a Local Environmental Plan for Kings Forest has been contentious and protracted.
2. Council notes that the project has been the subject of significant pressures from external agencies.
3. It is important the planning for Kings Forest proceed forthwith to ensure that orderly and responsible development of the area can proceed in a manner that is consistent with fulfilling the Tweed Shire Council's strategic objectives of developing a community that is environmentally, socially and economically sustainable.
4. The Kings Forest site is subject of much contention concerning ecological issues pertaining to the site. Council notes the Director Planning and Development has put in train a process by which to undertake an independent peer review of all ecological assessments of the Kings Forest site.
5. Council requests the Director Planning and Development to present a planning report on the Kings Forest Local Environmental Plan Amendment in February 2006 with recommendations as to the future zoning and management of the study area.

***FOR VOTE - Unanimous***

**RECOMMENDATIONS OF THE OPERATIONS COMMITTEE**

**Recommendations of the Operations Committee Meeting held 19 October 2005 for Council Adoption**

**540 COUNCIL DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RESOLVED** that Council adopts the recommendations of the Operations Committee Meeting held on 19 October 2005 in relation to the items below, with the exception of Item 2 - [GC] Disposal of Assets Policy which was withdrawn from the Agenda.

- 1 [GC] Procurement Policy / Procedures
  2. Withdrawn from the Agenda
  - 3 [GC] Monthly Investment Report for Period Ending September 2005
  - 4 [GC] Investment Policy
  - 5 [EO] Norfolk Island Pine Tree - Cudgen
  - 6 [EO] Release of Unnecessary Restrictions on Use - Subdivision of Land at Casuarina
  - 7 [EO] Consolidation of Council Land - Emergency Services Facility - Riverview Street, Murwillumbah
  - 8 [EC] Proposed Demolition of Council Building at 41 Boyd Street, Tweed Heads
  - 9 [EC] Request for "In Kind" Support/Waive Fee
- 
- 1 [SUB-TDAC] Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 18 August 2005

***FOR VOTE - Unanimous***

## **RECOMMENDATIONS OF THE PLANNING COMMITTEE**

**Recommendations of the Planning Committee Meeting held on Wednesday 5 October 2005 for Council Adoption**

### **541 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RESOLVED** that Council adopts the recommendations of the Planning Committee Meeting held on 5 October 2005 as reproduced in the body of this report with the exception being to **Item 1 - [PD] Development Application DA05/0840 for a grazing of cattle and associated works at Lot 76 DP 755701, Lot 272 DP 755701, Lot 323 DP 755701, Lot 326 DP 755701, Durambah Road, Kings Forest** which was varied as follows:-

*"RESOLVED that Council defends the appeal on the basis that the Department of Environment and Conservation join Council in the appeal as a party in the proceedings and provide expert advice in relation to its statements about the impact on threatened species if the development was approved."*

***FOR VOTE - Unanimous***

## REPORTS FROM THE GENERAL MANAGER

### 1 [GM] Report on Tweed Shire Council Public Inquiry Recommendations

#### 542 COUNCIL DECISION:

**Administrator Boyd**  
**Administrator Turnbull**

**RESOLVED** that this item be deferred to the next Planning Committee Meeting to be held Wednesday 2 November 2005 to enable further consideration of submissions, further detailing required of matters such as biodiversity, the need to ascertain actioning relating to recommendation 23, Page 980 of Professor Daly's report and the need to obtain independent legal advice should this action not be proceeding expeditiously

***FOR VOTE - Unanimous***

## REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT

### 2 [PD] Tourist Accommodation

#### 543 COUNCIL DECISION:

**Administrator Boyd**  
**Administrator Turnbull**

**RESOLVED** that: -

1. Council informs the Director-General of the Department of Planning that:-
  - It intends to prepare a draft Local Environmental Plan to amend the definition of tourist accommodation and tourist resort; and
  - In the opinion of Council an Environmental Study is not required.
2. Council amends Development Control Plan No 6 - Multi Dwelling Housing to include tourist accommodation except when it is within a tourist resort. The amendments will include the following in particular:-

- Include in Clause 1.5:
 

*"A7. To ensure that tourist accommodation except where it is a component of a tourist resort which is capable of being used as permanent residential accommodation meets the same standards as multi dwelling housing".*
- Include in Clause 1.6 the following paragraph:
 

*"This DCP applies to tourist accommodation except where it is a component of a tourist resort."*
- Any necessary textural changes throughout the document to add or include tourist accommodation where multi-dwelling housing controls apply.
- To provide the basis for the imposition of appropriate conditions limiting any approval for tourist accommodation to such a use.

3. Consideration be given to definition of tourist accommodation as outlined below.

*"A building used for the accommodation of tourists and incorporating features such as a porte-cochere, front of house lobby and reception area, rear support and service facilities and any other facilities typically provided for tourist accommodation".*

4. Development Control Plan No 2 - Site Access and Parking Code:

- To replace Item B6 in Table 4.9B with the following:

Item	Development	Comment	Public Transport Bus Stop Seating	Bicycle Parking	Delivery, Service Vehicle parking (50% must be truck size)	Resident Parking	Staff Parking	Customer Car Parking
B6	Tourist accommodation, except where it is within a tourist resort		1/15 units	2/unit, class 2 AS 2890.1. Residential buildings without access to ground level private open space only.	1/50 units	1.5/accomm odation unit. 25% to be accessible and marked for visitors.		

5. These provisions shall be used as an interim policy pending preparation, notification, advertising etc of a Local Environmental Plan / Development Control Plan Amendment.

**FOR VOTE - Unanimous**

---

**3 [PD] Development Application DA04/1440 for an Aged Care Facility at Lot 1 DP 543412 & Lot 1 DP 624403 Pacific Highway, Banora Point**

**544 COUNCIL DECISION:**

**Administrator Turnbull  
Administrator Payne**

**RESOLVED** that Development Application DA04/1440 for an Aged Care Facility at Lot 1 DP 543412 and Lot 1 DP 624403 Pacific Highway, Banora Point be approved subject to the following conditions:-

**GENERAL**

1. The development shall be completed in accordance with development Plan Nos: MPS 1546 DA-03 to 13/A prepared by MPS Architects, dated April 2005, and all submitted supporting documentation, except where varied by these conditions. [GEN0010]
2. The erection of a building in accordance with a development consent must not be commenced until:
  - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
  - (b) the person having the benefit of the development consent has:
    - (i) appointed a principal certifying authority for the building work, and
    - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - (b1) the principal certifying authority has, no later than 2 days before the building work commences:
    - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
    - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and



- (ii) notified the principal certifying authority of any such appointment, and
- (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[GEN0150]

3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0120]
4. All hand washing basins in food handling and preparation areas are to be fitted with a water temperature measuring device or other means to ensure that warm running water is supplied to the basin via a single spout without recourse to separate hot and cold water taps.
5. The premises where food is handled or prepared for patrons or occupants is to be notified to NSW Health in accordance with the Registration and Notification requirements of the Food Standards Code as called into force by the *Food Regulation 2004*.
6. The development shall be carried out in accordance with the provisions of the acoustic advice from Max Winders & Associates Pty Ltd within the *Noise Impact Assessment for Stage 2 of Ocean View, Corner Pacific Hwy and Terranora Rd, Banora Point* dated 3 November 2004 (Ref: L44804/PAK/02-13a).
7. No air conditioning units are to be placed facing any neighbouring residential boundaries unless the noise emitted from any such air conditioning unit has been assessed by a qualified acoustic engineer and if necessary acoustically treated in accordance with such assessment by the qualified acoustic engineer so as to ensure that the noise emitted from any such air conditioning unit does not create or emit offensive noise in relation to any neighbouring residences at any time during operation.
8. All external artificial lighting is to be shielded where required to prevent light spillage onto neighbouring properties or any other area causing a nuisance. Any such shielding shall be installed to the satisfaction of the General Manager or his delegate.  
[GENNS01]
9. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.  
[GEN0030]
10. No retaining walls or similar structures are to be constructed over Council's sewer main.  
[GEN0090]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11. Any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Councils Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.

[PCC0280]

12. Section 94 Contributions

- (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- a. Tweed Road Contribution Plan: \$26,556  
S94 Plan No. 4 (Version 4.0)  
Sector2\_4

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

\$Con<sub>TRCP - Heavy</sub> heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads  
(trip one way)

\$Unit the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

b.	Open Space (Structured): S94 Plan No. 5	\$20,873
c.	Open Space (Casual): S94 Plan No. 5	\$4,477
d.	Shirewide Library Facilities: S94 Plan No. 11	\$18,451
e.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$3,690
f.	Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16	\$5,566
g.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$39,462.98
j.	Cycleways S94 Plan No. 22	\$9,430
k.	Regional Open Space (Structured) S94 Plan No. 26	\$31,531
l.	Regional Open Space (Casual) S94 Plan No. 26	\$5,904

[PCC0050/PSC0005]

13. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water DSP4:	25.4 ET @ \$4230	\$107,442
Sewer Banora:	40 ET @ \$2634	\$105,360

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

[PCC0070/PSC0004]

14. All cut and fill earthworks are to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted and approved by the PCA prior to the issue of a construction certificate. Drainage must be installed and operational prior to commencement of any building work. The development must not result in the ponding of stormwater on adjoining properties.

All fill and cut batters shall be contained wholly within the subject land. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted and approved by the PCA prior to the issue of a construction certificate. Drainage must be installed and operational prior to commencement of any building work.

All fill and cut batters shall be obtained wholly within the subject land.

[PCC0090]

15. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[PCC0190]

16. A construction certificate application for works that involve any of the following:-

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993. Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC0240]

17. Erosion and Sediment Control During the Construction Phase of Development

- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
- (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.

[PCC0320]

18. Permanent Stormwater Quality Treatment

- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development" . New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (d) Specific requirements:
  - (i) Runoff from all impervious road, driveway and car parking surfaces shall be treated to remove oil and sediment pollutants prior to discharge to the public realm. Permanent stormwater treatment devices shall be sized in accordance with Council's Development Design Specification D7 - Stormwater Quality, Section D7.12. Full engineering details of treatment devices, including maintenance schedules, must be submitted with a s68 Stormwater Application for approval prior to the issue of a Construction Certificate.
  - (ii) Temporary stormwater services and treatment measures implemented for the previously approved carpark development (DA03/1645) shall be replaced by permanent services as part of the subject approval. Details of these services must be included as part of a s68 Stormwater Application for approval prior to the issue of a Construction Certificate.

[PCC0230]

19. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17<sup>o</sup> or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:

- i) Contours and terraces where the height exceeds 1m.
- ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
- iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
- iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.

[PCC0330]

20. A full Food Safety Plan to the satisfaction of NSW Food Authority and Council's General Manager or his delegate shall be submitted prior to issuing the Construction Certificate.
21. Any premises used for the storage, preparation or sale of food is to comply with the relevant provisions of the Food Act 2003 and Food Standards Code. Details of fittings and equipment are to be submitted to the satisfaction of Council's General Manager or his delegate prior to issuing of the CC.
22. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste products. A screened, graded and drained garbage storage area shall be provided within the boundary.

[PCCNS01]

23. All retaining structures shall be designed and constructed in accordance with AS4678-2000 Earth-retaining structures, and full engineering details shall be submitted with the Construction Certificate application. All retaining structures and cut and fill batters shall be wholly contained within the subject land.

24. There is to be no cutting or filling of land over the line of the sewer main without the prior written approval of Council's Director Engineering Services.

25. Prior to the issue of a Construction Certificate, hydraulic analysis is to be provided addressing any requirements for a booster system for fire fighting purposes

[PCCNS02]

#### PRIOR TO COMMENCEMENT OF WORK

26. Prior to commencement of work pursuant to this consent a Construction Certificate shall be obtained for the works proposed and required by this consent.

Any application to Council for a Construction Certificate involving civil works must be submitted on the prescribed form and include, where relevant;

- a) copies of compliance certificates relied upon
- b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
  - earthworks
  - roadworks / access works
  - stormwater drainage
  - water supply works
  - sewerage works
  - landscaping works
  - sedimentation and erosion management plans
  - location of all service conduits (water, sewer, Country Energy and Telstra)
  - the relevant maintenance manuals (eg. G.P.T's, water pump station)

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PCWNS01]

27. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0010]

28. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-

- (a) a standard flushing toilet connected to a public sewer, or



- (b) if that is not practicable, an accredited sewage management facility approved by the council, or
- (c) if that is not practicable, any other sewage management facility approved by the council.

[PCW0060]

29. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0070]

30. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0090]

31. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW0210]

32. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.

[PCW0230]

33. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. In addition to these measures an appropriate sign is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

Please note that this sign is to remain in position for the duration of the project.

[PCW0280]

34. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced.  
[PCW0220]
35. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the General Manager or his delegate.  
[PCW0140]
36. Sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.  
[PCW0180]
37. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

[PCW0190]

#### DURING CONSTRUCTION

38. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).  
[DUR0010]
39. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.  
[DUR0080]
40. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".  
[DUR0090]
41. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.  
[DUR0130]

42. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.

[DUR0160]

43. The principal certifying authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the principal certifying authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0170]

44. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.

[DUR0200]

45. If the work involved in the erection or demolition of a building:

- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- b. building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

[DUR0220]

46. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.

[DUR0260]

47. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.

[DUR0900]

48. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- a. internal drainage, prior to slab preparation;
  - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
  - c. external drainage prior to backfilling.
  - d. completion of work and prior to occupation of the building. [DUR1020]
49. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage. [DUR1030]
50. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR1040]
51. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single household or firm as a residence or place of business*) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises. [DUR1070]
52. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [DUR1090]
53. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard. [DUR1110]
54. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level. [DUR1130]
55. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR1160]

56. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention.

[DUR1180]

57. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the General Manager or his delegate prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1210]

58. Provision to be made for the designation of a durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.

[DUR0240]

59. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a smooth even finish to ceiling. Note: Stud framed walls will not be acceptable. Intersections of all floors with walls shall be covered to a radius of not less than 25 millimetres.

[DUR0320]

60. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.

[DUR0330]

61. Windows and doors opening into food preparation and storage areas are to be fully screened in accordance with Council's adopted code for the construction of food premises.

[DUR0350]

62. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.

[DUR0850]

63. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.

[DUR0860]

64. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.  
[DUR0870]
65. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.  
[DUR0880]
66. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.  
[DUR0890]
67. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.  
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
- B. Long term period - the duration.  
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.  
[DUR0910]
68. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.  
[DUR0920]
69. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director, Engineering & Operations.  
[DUR0930]
70. The burning of builders waste on site by open fire is prohibited.  
[DUR0940]
71. Construction site work including the entering and leaving of vehicles is to be restricted to between 7am and 6pm Monday to Friday and 8am to 1pm Saturday. No works permitted on Sundays or Public Holidays.

72. All imported fill material shall be from an approved source. Prior to commencement of filling operations, details of the source of fill shall be submitted to the satisfaction of Council's General Manager or his delegate. Documentary evidence must be provided that the fill material is free of any contaminants.

[DURNS01]

73. No soil, sand, gravel, clay or other material shall be disposed of off the site.

[DUR0030]

74. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[DUR0150]

75. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

[DUR0430]

76. The earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.

[DUR0620]

77. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR0730]

78. The building is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building

loads will be transferred to the foundation material and will not effect or be affected by the sewer main.

[DUR0830]

79. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.

Should additional fill be proposed in the area of the sewer manhole Council's Engineering & Operations Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of the General Manager or his delegate.

[DUR0840]

80. The existing driveway and fence on the Terranora Road frontage, do not comply with Council's Access to Property Policy or AS 2890, regarding pedestrian sight lines. This is to be rectified accordingly.

[DURNS02]

#### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

81. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with Land and Property Information prior to issue of the Occupation Certificate.

[PSC0050]

82. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications and conditions of Consent.

[POC0020]

83. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0030]

84. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0050]

85. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC0170]



86. Prior to occupation of the premises, contact is to be made with the NSW Food Authority (contact Kelvin Frost on 0427 427 293) to advise that the premises has now been completed and to arrange for a health inspection.

[POCNS01]

87. Prior to the issue of an Occupation Certificate, a "satisfactory inspection report" issued by Council must be produced for s68h2 permanent stormwater quality control devices. This inspection report must be obtained from Council prior to backfilling of any of the s68h2 approved devices.

[POCNS02]

## USE

88. A backflow containment device will be installed adjacent to Councils water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.

[USE0240]

89. All loading/unloading to take place within the boundary of the subject property.

[USE0130]

90. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.

[USE0160]

91. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.

[USE0180]

92. The handling and preparation of food for supply to patrons or occupants is to comply with the Listeria guidelines issued by NSW Health.

93. All food handling areas and persons engaged in the preparation and handling of food supplied to patrons or occupants are to comply with the provisions of the *Food Act 2003* and the provisions of the Food Standards Code as called into force by the *Food Regulation 2004*.

94. Food handling and preparation is to comply with all requirements of NSW Health.

95. Construction site work including the entering and leaving of vehicles is to be restricted to between 7am and 6pm Monday to Friday and 8am to 1pm Saturday. No works permitted on Sundays or Public Holidays.

96. Delivery of goods to the premises shall be restricted to between the hours of 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays.
97. The servicing of waste facilities shall be limited to between the hours of 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays.
98. Any buses, delivery trucks and the like that are required to remain on site for periods in excess of two (2) minutes shall have their engines turned off.
- [USENS01]
99. The creation of easements, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
- i. Easements for sewer (over the existing lines), water supply and drainage over ALL services on private property.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the easement to drain water shall make provision for maintenance of the easement by the owners of the land.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

[PSC0020]

100. Pursuant to Section 80A(1)(b) of the Environmental Planning and Assessment Act, 1979 (As amended) and Clause 97 of the Environmental Planning and Assessment Regulations, 2000 that portion of Development Consent No. DA02/0495 relevant to Stage 2 of the development shall be surrendered by lodgement of the prescribed information, suitably executed, PRIOR to the issue of an Occupation Certificate.
- [PSC0080]

***FOR VOTE - Administrator Payne, Administrator Turnbull  
AGAINST VOTE - Administrator Boyd***

## **REPORTS FROM THE DIRECTOR GOVERNANCE & CORPORATE SERVICES**

### **4 [GC] 2004/2005 Statutory Financial Reports / Audit Report**

Mr Kevin Franey representing Council's Auditors, Thomas Noble Russell, attended the meeting to address Council on the 2004/2005 Statutory Financial Reports / Audit Report.

---

**545 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RESOLVED** that:

- 1) Council adopts the tabled 2004/05 Financial Reports, as required by Section 413 (2) (c) of the Local Government Act, 1993 as follows: -
  - a) The financial statements are drawn up in accordance with:
    - The Local Government Act 1993 (as amended) and the Regulations made thereunder;
    - The Australian Accounting Standards and professional pronouncements;
    - The Local Government Code of Accounting Practice and Financial Reporting, and
    - The Local Government Asset Accounting Manual
  - b) The reports, to the best of our knowledge:
    - Present fairly the Council's financial position and operating result for the year, and
    - Accord with Council's accounting and other records.
- 2) To assist compliance with Section 114 of the Commonwealth Constitution, Council certify that:
  - Voluntary GST has been paid by Tweed Shire Council for the period 1 July 2004 to 30 June 2005;
  - Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed; and
  - No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

***FOR VOTE - Unanimous***

**a4 [GC] Pecuniary Interest Returns and Register**

**546 COUNCIL DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RESOLVED** that the Pecuniary Interest Returns for the period 1 July 2004 to 30 June 2005 as tabled be noted.

***FOR VOTE - Unanimous***

**URGENCY MOTION**

**Cabarita Beach Surf Life Saving Club**

**547 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RESOLVED** that in relation to the construction of the Cabarita Beach Surf Life Saving Club, Council will release up to \$100,000 of the Contribution Plan 16 Section 94 funds prior to the registration of:-

- (a) The folio identifier
- (b) The new surf club constitution

***FOR VOTE - Unanimous***

**REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS**

**5 [EO] EQ2005-174 Manufacture, Supply, Delivery and Unloading of RRJ Class 2 RCP Stormwater Pipes and Box Culvert**

**548 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RESOLVED** that Reinforced Concrete Products be awarded the contract for the supply and delivery of RRJ Class 2 RCP Stormwater Pipes and Box Culvert crown units with a total price of \$105,544.11 (GST Exclusive).

***FOR VOTE - Unanimous***

**6 [EO] EC2005-163 Supply & Laying of Asphaltic concrete - Various Locations**

**549 COUNCIL DECISION:**

**Administrator Turnbull**

---

**Administrator Boyd**

**RESOLVED** that:-

1. Pioneer Road Services Pty Ltd be awarded the contract for the Supply and Laying of Asphaltic Concrete at various locations with a total price of \$561,213.64 (GST Exclusive).
2. The Director Engineering and Operations be given delegated authority to approve variations up to \$100,000 above the initial contract price.

**FOR VOTE - Unanimous**

**REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES**

**7 [EC] Banora Point Caravan Park**

**550 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RESOLVED** that this report be received and noted

**FOR VOTE - Unanimous**

**ITEMS OF INFORMATION AND INTEREST**

Nil.

**ORDERS OF THE DAY**

**1 [NOM] Quarry - Lot 1 DP 792256, Terranora**

**NOTICE OF MOTION:**

**551 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RESOLVED** that in responding to a presentation made to the Tweed Shire Council Administrators on 7 October 2005, in which strong opposition was expressed to the proposed extension to the basalt quarry at Lot 2 DP 792256, Terranora, that:-

1. The Minister for Planning be advised of the Tweed Shire Council Administrator's support for the people and recommend that any application for extension of this quarry be refused.
2. A copy of the presentation provided to the Administrators be forwarded to the Minister.

***FOR VOTE - Unanimous***

#### **QUESTION TIME**

Nil.

#### **552 COUNCIL DECISION:**

**Administrator Payne  
Administrator Turnbull**

**RESOLVED** that Council resolves itself into a Confidential Committee of the Whole at 5.15pm.

***FOR VOTE - Unanimous***

The General Manager reported that the Confidential Committee of the Whole had excluded the press and public from the whole of the Committee Meeting because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reason of the confidential nature of the business to be transacted, and made the following recommendations to Council:-

#### **REPORTS THROUGH GENERAL MANAGER IN COMMITTEE**

#### **REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE**

##### **1 [EO] Naming of Park at Banora Point**

#### **REASON FOR CONFIDENTIALITY:**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals (other than councillors)

**C 138 COUNCIL DECISION:**

That Council calls for comment regarding the naming of the Council park located on Winders Place, Banora Point being Lot 117 DP 874201 "Hec Beswick Park".

***FOR VOTE - Unanimous***

**2 [EO] Tweed District Water Supply Bray Park Weir Refurbishment - 2004-078A**

**REASON FOR CONFIDENTIALITY:**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (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

**C 139 COUNCIL DECISION:**

That:-

1. Council endorse the following variations previously approved under delegated authority:-
  - a) Variation No.2: Cut and replace weir capping beam to west side of boat ramp to create diversion channel opening including scour protection. (\$28,000 GST Excl).
  - b) Variation No.3: Construct bund wall for diversion channel from cofferdam sheet pile wall to weir including the upgrading of existing access track adjacent to sheet pile wall. (\$48,000 GST Excl).
  - c) Variation No.4: Supply and fix control gate structure to weir opening; amend reinforcing arrangement to suit steel piles; and diversion channel maintenance for the period 22-29/09/2005. (\$13,314.55 GST Excl).
2. The Director Engineering & Operations be given delegated authority to approve additional variations up to the value of \$150,000 (excluding GST).

***FOR VOTE - Unanimous***

**3 [EO] EC2004-049 Bray Park WTP Augmentation - Contract Variation & Assignment**

**REASON FOR CONFIDENTIALITY:**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (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

**C 140 COUNCIL DECISION:**

That:-

1. Council approve the assignment of Contract EC2004-049 to Zenon Australia Pty Ltd for the Lump Sum Price of \$5,631,333 (GST exclusive) and signs the Deed of Variation to Hunter Water Australia (HWT) under the Common Seal of Council.
2. Council approves the Variation of \$350,000 (exclusive of GST) for the change of scope of works under Contract EC2003-007.
3. The Director Engineering and Operations be given delegated authority to approve variations up to \$150,000 above the amended contract prices.

***FOR VOTE - Unanimous***

**553 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RESOLVED** that the report and recommendations of the Confidential Committee of the Whole be adopted.

***FOR VOTE - Unanimous***

There being no further business the Meeting terminated at 5.23pm.



**Minutes of Meeting Confirmed by Council**

**at Meeting held .....**

---



---

**Chairman**