



**muswellbrook  
shire council**

**Muswellbrook Shire Council**  
**ORDINARY COUNCIL MEETING**

**BUSINESS PAPER**  
**10 APRIL 2018**



**ORDINARY COUNCIL MEETING, 10 APRIL 2018**

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122  
**MUSWELLBROOK**  
6 April, 2018

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in Denman RSL Club, Ogilvie Street, Denman on **10 April, 2018** commencing at 6.00pm.

Fiona Plesman  
**ACTING GENERAL MANAGER**

# Order of Business

ITEM	SUBJECT	PAGE NO
1	ACKNOWLEDGEMENT OF COUNTRY	5
2	CIVIC PRAYER	5
3	APOLOGIES AND LEAVE OF ABSENCE	5
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	5
5	DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST	5
6	PUBLIC PARTICIPATION	6
7	MAYORAL MINUTES	6
8	GENERAL BUSINESS	6
9	BUSINESS ARISING Nil	6
10	ENVIRONMENTAL SERVICES	7
	10.1 DA20/2018 FIRST USE & FIT OUT TO EXISTING COMMERCIAL BUILDING FOR 'REPCO'	7
11	COMMUNITY INFRASTRUCTURE Nil	24
12	CORPORATE AND COMMUNITY SERVICES	25
	12.1 DIRECTOR'S REPORT - PLANNING, COMMUNITY & CORPORATE SERVICES	25
	12.2 EASY TO DO BUSINESS - SERVICE NSW	32
13	REPORTS FROM COMMITTEES	39
	13.1 MT PLEASANT COMMUNITY FUNDING INVESTMENT COMMITTEE - 16/11/2017	39
	13.2 MT PLEASANT COMMUNITY FUNDING INVESTMENT COMMITTEE - 13/09/2017	41
	13.3 INFRASTRUCTURE COMMITTEE - 28/03/2018	43
	13.4 CORPORATE POLICY AND PLANNING COMMITTEE - 28/03/2018	47
14	NOTICES OF MOTION / RESCISSION Nil	50
15	QUESTIONS WITH NOTICE Nil	50
16	COUNCILLORS REPORTS	50

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17	QUESTIONS FOR NEXT MEETING	50
18	ADJOURNMENT INTO CLOSED COUNCIL	50
19	CLOSED COUNCIL	50
19.1	ECONOMIC DEVELOPMENT GRANT OPPORTUNITY <i>Item 19.1 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(I) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
19.2	TENDER AWARD - DESIGN OF MUSWELLBROOK SEWERAGE TRANSPORTATION SYSTEM UPGRADE, CONTRACT NO. 10014051 (MSC 2017-2018-0324-B1) <i>Item 19.2 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(I) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
20	RESUMPTION OF OPEN COUNCIL	51
21	CLOSURE	51
	DATE OF NEXT MEETING: TUESDAY 8 MAY 2018	51



**MUSWELLBROOK SHIRE COUNCIL  
ORDINARY COUNCIL MEETING**

**AGENDA  
TUESDAY 10 APRIL 2018**

- 1 ACKNOWLEDGEMENT OF COUNTRY**
- 2 CIVIC PRAYER**
- 3 APOLOGIES AND LEAVE OF ABSENCE**

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

- 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING  
RECOMMENDATION**

That the Minutes of the Ordinary Meeting held on **13 March 2018**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

- 5 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Section 451 of the Local Government Act requires that if a councillor or member of a council or committee has a pecuniary interest in any matter before the council or committee, he/she must disclose the nature of the interest to the meeting as soon as practicable and must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of financial gain or loss (see sections 442 and 443 of the Local Government Act).

A non-pecuniary interest can arise as a result of a private or personal interest which does not involve a financial gain or loss to the councillor or staff member (eg friendship, membership of an association, or involvement or interest in an activity). A councillor must disclose the nature of the interest to the meeting as soon as practicable.

Council's Model Code of Conduct now recognises two forms of non-pecuniary conflict of interests:

- Significant
- Less than significant

A Councillor must make an assessment of the circumstances and determine if the conflict is significant.

If a Councillor determines that a non-pecuniary conflict of interests is less than significant and does not require further action, they must provide an explanation of why it is considered that the conflict does not require further action in the circumstances.

If the Councillor has disclosed the existence of a significant non-pecuniary conflict of interests at a meeting they must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

**6 PUBLIC PARTICIPATION****7 MAYORAL MINUTES****8 GENERAL BUSINESS****9 BUSINESS ARISING**

Nil

## 10 ENVIRONMENTAL SERVICES

### 10.1 DA20/2018 FIRST USE & FIT OUT TO EXISTING COMMERCIAL BUILDING FOR 'REPCO'

Responsible Officer:	Carolyn O'Brien - Acting Director - Planning, Community & Corporate Services
Author:	Alisa Evans - Development Planner
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>
Attachments:	A. Appendix A - Conditions. B. Appendix B - Plans C. Appendix C - Objection

Documents referred to in assessment not attached:

- Local Environmental Plan 2009
- Development Control Plan 2009
- State Environmental Planning Policy (Exempt & Complying) 2008

#### APPLICATION DETAILS

Applicant:	W.A Brown Building Pty Ltd
Owner:	Bk Property (NSW) Pty Ltd
Proposal:	First Use & Fit Out to Existing Commercial Building 'REPCO'
Location:	Lot A DP 332469, 4 Lorne Street Muswellbrook
Permissibility:	The proposed development is permissible as retail premise within the B2 Local Centre zone
Recommendation:	Approval

#### RECOMMENDATION

That Development Application No. 20/2018 proposing First Use & Fit Out to Existing Commercial Building 'REPCO' at Lot A DP 332469, 4 Lorne Street Muswellbrook be approved subject the conditions in Appendix A to the report.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

<input type="checkbox"/> Cr J. Ledlin	<input type="checkbox"/> Cr S. Bailey	<input type="checkbox"/> Cr G. McNeill
<input type="checkbox"/> Cr J. Foy	<input type="checkbox"/> Cr M. Green	<input type="checkbox"/> Cr R. Scholes
<input type="checkbox"/> Cr S. Reynolds	<input type="checkbox"/> Cr B.N. Woodruff	<input type="checkbox"/> Cr S. Ward
<input type="checkbox"/> Cr J.F. Eades	<input type="checkbox"/> Cr M. Bowditch	<input type="checkbox"/> Cr M.L. Rush

### Aerial Photograph Identifying Development Site



### EXECUTIVE SUMMARY

Development Application 20/2018 was lodged 6 March 2018 seeking approval for first use and fit-out to existing commercial building for 'REPCO' at Lot A DP 332469, 4 Lorne Street Muswellbrook. The subject land is zoned B2 Local Centre under Muswellbrook Local Environmental Plan 2009 and retail premise is a permissible use in the zone.

The building was constructed under DA107/2014 for 2 commercial premises. The use occupies both commercial premises with the dividing wall being removed and the internal floor area be utilised as one. This work was undertaken under Complying Development Certificate 13/2018 which is in Council's opinion an invalid CDC as the external colour scheme does not comply with Condition No. 43 of DA107/2014 which was put in place to limit the impact on the adjacent Local Heritage Item 'Hennor'. Condition No. 43 reads as follows:

*Heritage – External Colour scheme*

*The following external colour scheme is to be utilised on the project:*



- Lower walls: Dulux Evening Haze
- Upper walls: Dulux Beige Royal
- Piers: Dulux Limewash Sable Haze
- Roller doors: Colorbond Dune
- Roof Cladding: Zinalume
- Downpipes: Zinalume
- Awnings: Colorbond Monument

The colours schedule approved under CDC13/2017 are REPCO corporate colours which are non-compliant with condition No.43 of DA107/2014. DA20/2018 has been lodged to allow the use to be approved and the CDC as discussed to be surrendered.

The proposal was advertised and notified from 14 March 2018 until the 28 March 2018 with one (1) submission received objecting to the application. The submission raised concerns that the application is only dealing with one issue of non-compliance with the building itself and the matters should be dealt with holistically & simultaneously, rather than individually and in different points in time. The response to the submission is discussed in the body of the report below.

DA107/2014 for first use and fit-out to existing commercial building for 'REPCO' at Lot A DP 332469, 4 Lorne Street Muswellbrook is reported to Council for determination in relation to the submission received and Council's resolution that all development applications on the subject land be reported to Council for determination.

## REPORT

### 1.0 Background

Development Application 107/2014 was lodged for Three (3) Commercial Units on 17 July 2014 and was approved by Council on 9 March 2015. The current building was constructed in accordance with the S96 (1A) for DA107/2014 with the reduced floor area. The premises under the determination specified a neutral colour plate as detailed under Condition No. 43 of the amended notice of determination that was informed by Statement of Heritage Impact prepared by Carste Studio Pty Ltd.

Development Application 20/2018 is seeks approval for First Use & Fit out to Existing Commercial Building for 'Repco' at Lot A DP 332469, 4 Lorne Street Muswellbrook. The application was submitted to allow for CDC13/2017 Alterations & First Use within Commercial Premises to be surrendered as it was issued in error with an external colour scheme that is non-compliant with Condition No. 43 of DA104/2014.

Below is summary of relevant applications:

Application No.	Description	Approval Date	Approved by
<b>DA107/2014</b>	Three (3) Commercial Units	09/03/2015	Council
<b>S96(1A) DA107/2014</b>	Reduction in floor area and 3 to 2 Units	30/10/2015	Under Delegations
<b>CDC03/2016</b>	Commercial Fit-out for BWS Bottle Shop	13/01/2016	Private Certifier
<b>DA105/2015</b>	Signage	08/02/2016 (Refused)	Refused By Council
<b>CDC13/2017</b>	Alterations & First Use within Commercial Premises	07/11/2017	Private Certifier

<b>DA108/2017</b>	Extension to Existing Commercial Building	ON HOLD	
<b>DA110/2017</b>	Proposed Business Identification (12) Signage	ON HOLD	

## 2.0 Site Description

The subject land is identified as Lot A DP 332469, 4 Lorne Street Muswellbrook. The site is located at the corner of the New England Highway and Lorne Street and is zoned B2 Local Centre under Muswellbrook Local Environmental Plan 2009. The site has a boundary to Muscle Creek and is identified as low/medium flood prone. Local Heritage Item I104, 'Hennor', is located at 18 – 20 Maitland Street, on the opposite side of Lorne Street. The site is in close proximity to Muswellbrook's core business centre and other commercial and retail businesses.

## 3.0 Description Of Proposal

The application is for the first use and fit out of 'REPCO' at Lot A DP 332469 4 Lorne Street Muswellbrook. The use will occupy the entire 450m. sq. internal floor area of the building constructed under DA107/2014. The use will utilise the sixteen (16) car parking spaces and access from Lorne Street.

The application proposes no external works. Colour and signage will be assessed under separate development applications to be notified and reported in the near future for Council's determination.

## 4.0 Adequacy Of Applicant's Submission

In relation to the Statement of Environmental Effects, the plans and other documentation submitted with the Application, the applicant has provided adequate information to enable an assessment of the Application.

The applicant has included the following ancillary reports with the supporting documentation:

- Architectural Drawings
- Statement of Environmental Effects
- Site Waste Management and Minimisation Plan

## 5.0 Internal Consultation

### Health and Building

The application was referred to Council's Building Section. Officer reviewed the proposal and recommended standard conditions to be placed on the development consent should the application be approved.

### External Referrals

No external referrals required for the internal fit-out of commercial premise.

## 6.0 Assessment

This report provides an assessment of the material presented in the Application against the relevant State and local planning legislation and policy.

### **Section 4.15 Matters for Consideration**

#### **Section 4.15(1)(a)(i) The provisions of any Environmental Planning Instrument (EPI)**

The following EPIs, DCPs, Codes and Policies are relevant to this Application:

**1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)****Land Use Zone and Permitted Land Use**

The development site is zoned B2 Local Centre pursuant to MLEP 2009. The proposal is best defined as *retail premise*, which is permitted with consent in the subject Zone.

**Objectives of the B2 Local Centre Zone**

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To maintain the status and encourage the future growth of the Muswellbrook established business centre as a retail, service, commercial and administrative centre while maintaining the centre's compact form.*
- *To enable a wide range of land uses that are associated with, ancillary to, or supportive of the retail and service functions of a business centre.*
- *To maintain the heritage character and value and streetscape of the business centre of Muswellbrook.*
- *To support business development by way of the provisions of parking and other civic facilities.*

It is considered that the development proposal is not contrary to the objectives of the Zone.

**2. State Environmental Planning Policy**

The following State Environmental Planning Policies apply to the Muswellbrook Local Government Area and were considered and found not to be applicable to the proposed development.

- SEPP No. 21 Caravan Parks
- SEPP No. 30 Intensive Agriculture
- SEPP No. 33 Hazardous and Offensive Development
- SEPP No. 36 Manufactured Home Estates
- SEPP No. 44 Koala Habitat Protection
- SEPP No. 55 Remediation of Land
- SEPP No. 62 Sustainable Aquaculture
- SEPP No. 64 Advertising and Signage
- SEPP No. 65 Design Quality of Residential Flat Development
- SEPP (Housing for Seniors or People with Disability) 2004
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (infrastructure) 2007
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- SEPP (miscellaneous Consent Provisions) 2007
- SEPP (Rural Lands) 2008
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Affordable Renting Housing) 2009
- SEPP (State and Regional Development) 2011

**Section 4.15(1)(a)(ii) the provisions of any draft EPI.**

There are no draft EPIs relevant to the subject Application.

**Section 4.15(1)(a)(iii) the provisions of any development control plan****Section 3 – Site Analysis**

It is considered that the documentation provided with the Development Application satisfies the provisions of Section 3 of the Muswellbrook DCP.

Section 4 – Notification

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the Application was notified for a period of not less than fourteen days from 14 March 2018 to 28 March 2018. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

One (1) submissions were received during the notification period. The issues raised in the submissions are addressed in this Report.

Section 9 – Local Centre Development

The use is considered appropriate and complies with the DCP section.

Section 13 – Flood Prone Land

The flood risk has been assessed under DA107/2014 and the retail premise is considered appropriate use of the commercial premise.

Section 14 – Outdoor Signage

The application proposes no external works or signage under the proposal. Existing colours will be resolved as a separate matter, however advice is proposed in the schedule of conditions that external colours are not appropriate and will require to be resolved and the CDC13/2017 surrendered.

Section 15 – Heritage Conservation

The use is compatible with the locality. The external colours do not form part of this proposal and are not considered part of this assessment.

Section 16 – Car Parking and Access

The development complies with Section 16 of the Muswellbrook Development Control Plan regarding car parking as assessed under DA107/2014.

Section 24 – Waste Management

Waste management plan submitted with application and is considered compliant with the DCP.

Section 94A Contributions Plan 2009

A developer contribution of \$632.50 will apply to the proposed development should the Application be approved.

**Section 4.15(1)(a)(iia) the provisions of any planning agreement**

There are no planning agreements relevant to the subject Application.

**Section 4.15(1)(a)(iv) the provisions of the regulations**

Division 8A of the Environmental Planning and Assessment Regulation 2000 applies to the development.

**Section 4.15(1)(a)(v) the provisions of any coastal zone management plan**

This item is not relevant to the subject Application. The Application does not relate to a coastal area.

**Section 4.15(1)(b) the likely impacts of that development**

The following additional matters were considered and, where applicable, have been addressed elsewhere in this report:

Context & Setting	Waste
Built Form	Energy
Potential Impact on Adjacent Properties	Noise and Vibration

Access, Traffic and Transport

Public Domain

Utilities

Heritage

Other land resources

Water

Soils

Air & microclimate

Flora & fauna

Natural hazards

Technological hazards

Safety, Security, and Crime Prevention

Social Impact on Locality

Economic Impact on the Locality

Site Design and Internal Design

Construction

Cumulative Impacts

#### **Section 4.15(1)(c) the suitability of the site for the development**

It is considered that the development is compatible with surrounding land uses and site characteristics, subject to consent conditions.

#### **Section 4.15(1)(d) any submissions made**

One (1) submission was received during the notification period. The concerns raised in the submissions are summarised below.

*Application is only dealing with one issue of non-compliance with the building itself and the matters should be dealt with holistically & simultaneously, rather individually and in different points in time.*

#### Town Planning Response:

The site has a number of non-compliances with some coming about with the issuing of CDC13/2017 and resuming the CDC approval would prevail over Conditions of Consent imposed under the Notice of Determination for DA107/2014 and in particular Condition No.43 in relation to the colour scheme.

While it has been requested that CDC13/2017 be surrendered as it is non-compliant with the State Environmental Planning Policy (Exempt and Complying) 2008 criteria and is not a valid approval, the occupants and owners of the subject land have requested to resolve the matter via gaining the land use application for Repco and resolve the non-compliance under separate applications with the appropriate supporting documentation including Statement of Heritage Impact allowing for an alternate external colour scheme as that approved under DA107/2014 and Condition No. 43.

The matters regarding signage are a separate matter and an application has been received and has been place of hold pending requesting supporting information.

#### **Section 4.15(1)(e) the public interest.**

It is considered that the proposal is not contrary to the public interest.

#### NSW Legislation

There is a number of applicable legislation that needs to be considered and referred to in the assessment of this application. The applicable legislation has been listed at the start of the report. The assessment has considered these pieces of legislation throughout the report in their relevant sections, however, the following legislation has not been discussed in detail elsewhere in the report.

#### Council Adopted and Draft Policies

The following policies have been adopted by Council and are required to be considered in the assessment of the application.

D7/1 Development Cost Estimating

**5 CONCLUSION**

The application has been assessed in accordance with the legislation listed at the beginning of the report. The application has also been placed on public exhibition for a minimum of fourteen days with one (1) submission being received.

It is recommended the application be approved subject to conditions of consent.

**Disclosure of Political Donations and Gifts:**

No disclosures of a political donations or gifts have been made in relation to this application.

**SOCIAL IMPLICATIONS**

The development as presented will not result in any specific social implications for Council.

**FINANCIAL IMPLICATIONS**

This development as presented has no direct financial impact upon Council's adopted budget or forward estimates.

**POLICY IMPLICATIONS**

The development as presented will not result in any specific policy implications for Council.

**STATUTORY IMPLICATIONS**

Statutory implications relating to assessment of the subject application have been addressed in the body of the report

**LEGAL IMPLICATIONS**

This matter has no specific legal implications for Council.

**OPERATIONAL PLAN IMPLICATIONS**

This matter has no specific Operational Plan implications for Council.

**RISK MANAGEMENT IMPLICATIONS**

This matter has no specific risk management implications for Council.

# IDENTIFICATION OF APPROVED PLANS

## 1. Development in Accordance with Plans

The development being carried out in accordance with the development application and the drawings referenced below, and endorsed with Council's approval stamp, except where amended by the following conditions.

Drawing No.	Revision	Drawn by	Drawing Date	Received
01	01	MMARSHALL	05/03/2018	06/03/2018
02	01	MMARSHALL	05/03/2018	06/03/2018

## 2. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

## 3. No Approval for Advertising Signage

This Consent does not grant approval to any signage that is not identified as exempt development. In this regard, all signage that is not exempt development will require the lodgement of a new Development Application.

## 4. External Colour scheme

The following external colour scheme is to be utilised on the project as in accordance with DA107/2014. The colour scheme is as follows:

- Lower walls: Dulux Evening Haze
- Upper walls: Dulux Beige Royal
- Piers: Dulux Limewash Sable Haze
- Roller doors: Colorbond Dune
- Roof Cladding: Zinalume
- Downpipes: Zinalume
- Awnings: Colorbond Monument

Note: Colour scheme may be amended by Council under any future proposed application where Council is the consent authority.

# OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION

## 5. National Construction Code

All work must be carried out in accordance with the provisions of the National Construction Code.

**6. Fire Safety (First Use Involving No Building Work)**

There are to be no alteration to the buildings existing Fire Safety Provisions.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT****7. Section 94A Contributions**

Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of insert \$632.50 shall be paid to Muswellbrook Shire Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010. The contribution is to be paid prior to the issue of the Construction Certificate.

**8. Surrender Complying Development Certificate NC170127**

Within seven (7) days of the Notice of Determination for Development Application 20/2018, Complying Development Certificate NC170127 issued by BCA Certifiers dated the 07/11/2017 is to be surrendered by the owner(s) of the land.

Note: At the time of consent the owner(s) is known as BK Property (NSW) Pty Ltd.

**CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES****9. Hours of Operation**

The premise may be open for business only between the following hours:-

Monday to Saturday 7am to 7pm (other than public holidays)  
Sunday and public holidays 9am to 6pm

Upon expiry of the permitted hours, all operations shall immediately cease, no person shall be permitted entry and all customers on the premises shall be required to leave within the following half hour.

**10. Delivery Hours**

No deliveries, loading or unloading associated with the premises are to take place during road peak periods. Road Peak Periods for the New England Highway (Maitland Street) are between 4:30am and 9:30am, and between 2:30pm and 7:00pm daily.

**REASON FOR IMPOSITION OF CONDITIONS:**

The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

- (a) To encourage:



- (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
  - (ii) The promotion and co-ordination of the orderly and economic use of development of land;
  - (iii) The protection, provision, and co-ordination of communication and utility services;
  - (iv) The provision of land for public purposes;
  - (v) The provision and co-ordination of community services and facilities;
  - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
  - (vii) Ecologically Sustainable Development; and
  - (viii) The provision and maintenance of affordable housing.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

**ADVICE:**

- You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration or internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 96 of the Environmental Planning & Assessment Act, 1979. Any such changes may need to be the subject of a separate Development Application.  
Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.
- This document is a development consent only, and does not authorise construction or subdivision works to commence. Prior to commencing any building, subdivision or associated construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
  - (i) A Construction Certificate is to be obtained in accordance with Section 6.7 of the Act.
  - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6(1) of the Act.
  - (iii) Council is to be notified at least two (2) days before the intention to commence building works, in accordance with Section 6.6(2) of the Act.
- The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.

- Failure to comply with any of the above requirements is an offence under the provisions of the Act, and may result in enforcement action being taken by Council if these requirements are not complied with.

<b>RIGHT OF APPEAL:</b>
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Sections 8.2, 8.3, 8.4, 8.5 of the Environmental Planning and Assessment Act 1979 provide that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) within six (6) months *after receipt of this Notice of Determination*, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of the determination with Council Officers before lodging such a request.

If you are dissatisfied with this decision, Section 8.7, 8.10 of the Environmental Planning and Assessment Act, 1979 give you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

## FOR

## FIRST USE 'REPCO'

LOCATED AT

NO 4, LOT A LORNE STREET MUSWELLBROOK NSW 2333  
DP 332469

APPLICANT

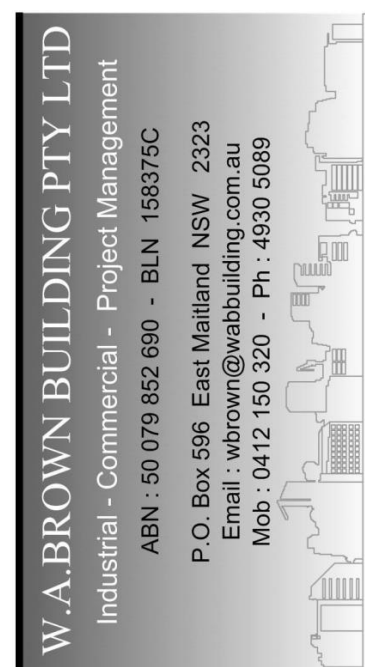
W.A. BROWN BUILDING PTY LTD

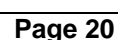
Architectural Drawings Supplied by W.A.Brown Building Pty Ltd

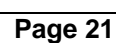
[illegible]

Job No

CC069









**Chloe Wuiske**

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**From:** Graeme McNeill <gus.mcneill@hotmail.com>  
**Sent:** Wednesday, 28 March 2018 2:32 PM  
**To:** Fiona Plesman  
**Subject:** Fwd: Objection to DA 20/2018

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Date:** 28 March 2018 at 2:24:26 pm AEDT  
**To:** Graeme McNeill <gus.mcneill@hotmail.com>  
**Subject:** Objection to DA 20/2018

Reference: DA 20/2018  
Premises: ALT:A DP 332469

Dear, Acting General Manager,

Thank you for providing us with the notice of proposed development at 4 Lorne St Muswellbrook.

We would like to object to this development application due to its impact on the heritage item "Hennor". Given the complexities involved in heritage impacts, we would like the opportunity to explain our objection in person, and to do so with the assistance of a subject expert, rather than attempt to put this detail in words with this notice of objection.

It is also our opinion, that this application is dealing with only one of a number of non-compliance issues with the building itself e.g. colour, signage and vegetation screening. We strongly believe it would be in the best interests of the heritage item, if all the issues of compliance were considered holistically & simultaneously, rather than individually and at different points in time.

Regards  
Graeme & Rebecca McNeill  
3 Lorne St Muswellbrook.

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## **11 COMMUNITY INFRASTRUCTURE**

Nil



## 12 CORPORATE AND COMMUNITY SERVICES

### 12.1 DIRECTOR'S REPORT - PLANNING, COMMUNITY & CORPORATE SERVICES

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Carolyn O'Brien - Acting Director - Planning, Community & Corporate Services
<b>Author:</b>	Chloe Wuiske - Administration Officer Kim Manwarring - Co-Ordinator, Community Partnerships Jade Richardson - Co-Ordinator, Customer Service & Administration
<b>Community Plan Issue:</b>	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
<b>Community Plan Goal:</b>	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
<b>Community Plan Strategy:</b>	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

#### PURPOSE

Monthly report to Council.

#### OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

#### REPORT

##### PLANNING & REGULATORY SERVICES

##### 1. Statistical Information

**Note:** Statistics for Section 149 Planning Certificates, Development Applications, Construction Certificates and Complying Development Certificates are distributed separately to Councillors with whole of month data prior to the Council meeting. The statistics are also available on Council's website.

##### *Schedule 1: Development Applications Approved (27 February to 26 March 2018)*

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2018/6	Change of use to Motor Vehicle Repairer	21 Glen Munro Road Muswellbrook	-
2018/5	Painting Exterior	21 Ogilvie Street Denman	8,500
2018/1	Carport and Rear Patio Roof	5 Lou Fisher Place Muswellbrook	32,376

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2017/98	Attached Gable Patio Cover	93 Queen Street Muswellbrook	25,850

***Schedule 2: Development Applications Currently Being Assessed***

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2018/26	Construct Temporary Igloo Structure over Existing Hard Stand Area to Perform Sand Blasting and Painting Operations	18-22 Carramere Road Muswellbrook	23/03/2018	80,000
2018/25	Change of Use of Existing Dwelling to Secondary Dwelling and Erect a New Principal Dwelling	578 Sandy Creek Road Muswellbrook	21/03/2018	442,743
2018/24	Single Storey 2 Bed Home	54 Queen Street Muswellbrook	16/03/2018	110,000
2017/38/2	S96 (1A) Modification - Change Length of Shed from 8m Long to 14m Long	45 Sowerby Street Muswellbrook	16/03/2018	-
2018/23	Placement of 2 Bedroom Transportable Dwelling	3212 Bylong Valley Way Baerami	15/03/2018	266,000
2018/22	Garage	33 Brecht Street Muswellbrook	14/03/2018	25,437
2018/21	Dwelling Additions	71 Humphries Street Muswellbrook	13/03/2018	36,000
2018/20	First Use & Fit-Out to Existing Commercial Building for 'Repco'	4 Lorne Street Muswellbrook	06/03/2018	126,500
2018/19	Refurbishment of Denman Memorial Hall After Fire	30 Ogilvie Street Denman	02/03/2018	2,000,000
2017/17/2	S96(2) Modification - Add Satellite Dish, External Mast Structure and Emergency Generator	56 Brook Street Muswellbrook	02/03/2018	-
2018/18	Water Treatment and Recycling Plant ancillary to Existing Winery and Distillery	Hunter Street Muswellbrook	28/02/2018	400,000
2002/342/5	S96(2) Modification - Consolidate Two Consent Documents into One with Modified Conditions Where Applicable	8440 New England Highway Muswellbrook	28/02/2018	-
2018/17	Installation of Outdoor Covered Patio area with a 1m Handrail to Front and End of Patio	3 John Howe Circuit Muswellbrook	26/02/2018	14,168
2018/16	Skillion Roof Attached to Dairy Shed	895 New England Highway Muswellbrook	23/02/2018	12,300
2018/15	Concrete Slab for Future Patio and Retaining Wall	64 Acacia Drive Muswellbrook	23/02/2018	4,500
2018/14	Retaining Wall	6 Lonhro Place Muswellbrook	23/02/2018	11,500
2018/13	Swimming Pool Installation	154 Bureen Road Bureen	22/02/2018	29,703
2018/12	Construction of Pipeline to Connect to Ravensworth Ash Line to Enable Transfer	Savoy Parish County Durham	21/02/2018	80,000

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
	of Water from Bayswater Ash Dam to Ravensworth Void Four (4).			
2018/11	Pool Shed	26 Kingfisher Court Muscle Creek	20/02/2018	7,135
2017/58/2	S96 (1A) Modification - Modify Condition 8	Jerdan Street Denman	19/02/2018	-
2018/10	Demolition of Residential Dwelling	14 Lorne Street Muswellbrook	16/02/2018	16,000
2018/9	Steel Carport	5 Shaw Crescent Muswellbrook	09/02/2018	4,800
2018/8	Painting Exterior of Medical Practice	80 Brook Street Muswellbrook	08/02/2018	-
2018/7	Free Opening Event to the Muswellbrook Art Prize	126 Bridge Street Muswellbrook	06/02/2018	-
2018/4	Continuation of use as a Dwelling	Golden Highway Giants Creek	22/01/2018	-
2018/2	Garage Extension and Carport	92 Brook Street Muswellbrook	11/01/2018	19,500
2017/110	Proposed Business Identification Signage (12 Signs)	4 Lorne Street Muswellbrook	19/12/2017	6,000
2017/108	Extension to Existing Commercial Building	4 Lorne Street Muswellbrook	14/12/2017	44,000
2017/106	Awning	14 Dalwood Place Muswellbrook	06/12/2017	11,291
2017/104	Primary and Secondary Dwelling to be Constructed in Two (2) Stages	8569 New England Highway Muswellbrook	24/11/2017	552,924
2017/103	Placement of Four (4) Temporary Demountable Buildings	3 Thomas Mitchell Drive Muswellbrook	16/11/2017	34,552
2017/95	Concrete Block Retaining Wall and Steel Framed Shed	70-72 Ironbark Road Muswellbrook	27/10/2017	145,000
2017/76	Renovations and Additions to Racing and Function Centre	16 Sheppard Avenue Muswellbrook	24/08/2017	4,000,000
2017/73	Caravan Park - Continuation of Use	1618 Merriwa Road Sandy Hollow	28/07/2017	-
2017/60	Change of Use - Building Materials Recycling Depot	7 Glen Munro Road Muswellbrook	23/06/2017	-
2000/212/6	S96(1a) Modification - Extension of timeframe of Operations & Extraction Area, Site Plan, Removal of Conditions	2449 Denman Road Muswellbrook	29/05/2017	-
2016/111/2	S96(1a) Modification -Extend Existing Retaining Wall by Six (6) Metres	33 Shaw Crescent Muswellbrook	10/03/2017	-
2016/32	Placement of Fill	110 Merriwa Road Denman	12/04/2016	5,000

**4.07.01.1 - On-site sewage management systems meet regulatory standards. Ensure all on site sewage management systems have necessary approvals and inspections are to be carried out.**

**On-site Wastewater Statistics - 13 Month Analysis (2017/2018)**

	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
Applications Received (new installation)	1	0	1	1	0	0	1	2	4	1	0	1	2
Applications Approved (new installation)	4	0	1	0	1	1	2	4	3	1	1	0	0
Inspections (new system)	0	0	0	0	0	0	2	1	2	1	0	0	1
Inspections (existing system)	31	8	6	31	14	26	1	11	2	16	14	13	6

**4.01.01.1 - Reduce the environmental impact of development on our community by carrying out regular inspection of building sites and monitoring waste.****Building Site Compliance Inspection Statistics – 13 Month Analysis (2017/2018)**

	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
Total Sites Inspected	0	0	0	0	0	0	0	2	3	3	0	3	0
Total non-compliant and educated	0	0	0	0	0	0	0	0	3	0	0	3	0
Total compliance after education	0	0	0	0	0	0	0	0	0	0	0	3	0
Total Penalty Notices Issued	0	0	0	0	0	0	0	0	0	0	0	0	0

**4.06.01.1 - Increase surveillance and regulation of illegal dumping.****Illegal Dumping Statistics – 13 Month Analysis (2017/2018)**

	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
Total Investigations	3	2	3	5	2	5	4	3	4	4	3	6	10
Total Clean up by Council - insufficient evidence	2	2	3	3	2	1	2	3	2	3	1	3	4
Total Clean Up by individual	0	0	0	0	0	3	2	0	1	1	2	3	6
Total Penalty Notices Issued	0	0	0	0	0	0	0	0	1	0	0	0	0
Court Attendance Notice Issued	0	0	0	0	0	0	0	0	0	0	0	0	0
Still under investigation	0	0	0	2	0	0	0	0	0	0	0	0	0

#### 4.04.04.4 - Enhance public safety and wellbeing of the community by undertaking an inspection program for swimming pools within the Local Government Area

##### Swimming Pool Compliance Statistics – 13 Month Analysis (2017/2018)

	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
Applications for Compliance Certs.	2	3	2	1	0	1	2	1	2	6	1	0	1

Total compliance inspections (not inc. Final Insp. for Occ. Certs)	19	42	25	19	8	19	29	27	19	23	18	14	7
Initial Inspections	16	27	19	1	4	17	23	21	8	15	14	11	6
Re-inspections	3	15	6	18	4	2	6	6	11	8	4	3	1

Compliance Certs / Occ. Certs issued	22	26	18	27	7	15	21	21	13	20	12	8	6
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**Total Pools in Council's Swimming Pool Register = 856**

**Compliance as at 30 June 2017 = 63.7%**

**Current Compliance = 72.3%**

(i.e. 619 out of 856 pools have a valid Compliance Certificate or Occupation Certificate.

Note: Certificate is valid for 3 years)

**Percentage of pools inspected during Financial Year 2017/2018 = 13.4%**

(i.e. 115 out of 856 pools have had at least one inspection carried out during FY 2017/2018. Council's program outlines that we will inspect 10% of pools per year).

### **COMMUNITY SERVICES**

#### **Community Partnerships Team**

Planning is underway for a combined Youth Week 2018 Activity between Upper Hunter Youth Services and Wanaruah Local Aboriginal Land Council. The activity will be a movie night at the Muswellbrook Showground adjacent to the current Youth Services venue. The movie night will target young people and their families and will occur on 13 April.

The Collaborative Impact Facilitator Project continues to work with the Coalition Partners and is working with the University of Newcastle Family Action Centre to provide training and resourcing to the Community Services Service Providers at though the mid-year combined Interagency meetings;

The Aboriginal Oral History Reference Group have currently called for a Request for Quotation from Consultants up to (7) consultants have responded applications close the beginning of April;

The Seniors Festival Brochure is finalised and currently being distributed in time for the Seniors Festival scheduled for the 4 -15 April;

The Social Indicators report has been provided to MANEX for discussion.

**Muswellbrook Regional Library Service*****Muswellbrook Library Statistics***

Computer Bookings total as of 20<sup>th</sup> February to 805/user  
 18<sup>th</sup> March 2018 856/hour

Cuddle & Bounce/Preschool storytime total as of 145 kids/mums/dads  
 19.03.18

Home Library Members as of March 2018 10 members  
 Delivered every fortnightly/monthly 138 Books and audiobooks

Mini Library collection (bi-monthly cycle) 345 items (books, DVDs, CDs, and audiobooks)  
 including items that are donated

Crafty Hour every fortnight total as of 19.03.18 12 adults

Thinker Kruncher (Brain Training) every fortnight 6 adults  
 total as of 19.03.18

***Denman Library Statistics***

Month: 19<sup>th</sup> FEB to 18<sup>th</sup> MARCH

**Library Visits****Computer Usage**

Date	Total		Date	Bookings	Hours booked
19 FEB	21		19 FEB	3	4
20	29		20	3	3
21	20		21	2	2
22	0		22	0	0
23	27		23	6	7.5
24 SAT	6		24	2	4
25	0		25	0	0
26	37		26	5	5.5
27	39		27	5	4
28	21			6	8.5
1 MARCH	0		MARCH	0	0
2	40		2	9	21
3	15		3	5	12.5
4	0		4	0	0
5	26		5	7	16
6	25		6	8	10.5
7	14		7	3	3.5
8	0		8	0	0
9	21		9	9	9

Date	Total		Date	Bookings	Hours booked
10	20		10	7	9.5
11	0		11	0	0
12	34		12	5	7.5
13	14		13	4	5.5
14	25		14	5	5.5
15	0		15	0	0
16	40		16	4	3.5
17	15		17	5	6
18	0		18	0	0
TOTAL	489			103	148.5

The Denman Library continues to develop the provision of services to the community particularly this month home library services have extended further into Merton Court and Merton Village.

Library displays are continually updated and promoting up and coming events that the community can engage including the display of Council developments and Business Papers.

## **ARTS CENTRE**

### **Exhibition Program:**

The following suite of exhibitions opened at 6.00pm on Saturday 10<sup>th</sup> March 2018 with guest adjudicator Tracy Cooper-Lavery, Director of the Gold Coast City Art Gallery, with 150 people in attendance and will close on Sunday 6<sup>th</sup> May 2018:

- 45<sup>th</sup> Muswellbrook Art Prize (School of Arts & Centre Court Galleries)
- Art Tracks: 60 Year of the Muswellbrook Art Prize (Wollemi & Ramp Gallery)
- Max Watters: The Contemporary Collector (Max Watters Gallery) – continuing on exhibition

### **Visitation:**

February 2018: Visitation: 404

Days open: 24

Average visitors per day: 17

A farewell for Neil Pope, outgoing Director of Community Infrastructure at Muswellbrook Shire Council was held on 1 February, 2018 with 45 people in attendance.

### **Education Program:**

- Sunday Sketchers Workshop conducted by Jade Goodwin, Arts Centre Assistant, was held on Sunday 18th February 2018 with 3 people in attendance.
- Exhibiting artist Mitchell O'Mahoney conducted a portrait drawing workshop on Saturday 3rd February 2018 with 5 people in attendance.

### **Collection Management:**

Brad Franks donated a painting to the Muswellbrook Shire Art Collection by local Muswellbrook artist Gilbert Hermon, who is represented in the Max Watters Collection.

Roslyn Elkin donated the photographic work 'Flame Green' to the Muswellbrook Shire Art Collection to accompany a smaller work of hers from the same series.

## 12.2 EASY TO DO BUSINESS - SERVICE NSW

<b>Attachments:</b>	<b>A. EtdB_Council Benefit Flyer</b> <b>B. EtdB_Customer Flyer_A4</b> <b>C. OSBC Small-business-friendly-councils-fact-sheet</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - Acting General Manager</b>
<b>Author:</b>	<b>Gerry Bobsien - Executive Manager Economic Development and Innovation</b>
<b>Community Plan Issue:</b>	<b><i>Support Job Growth</i></b>
<b>Community Plan Goal:</b>	<b><i>Facilitate the expansion of and establishment of new industries and business.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Provide advice in relation to strategic land use planning and development control and assessment to support the work of the Economic Development and Innovation function.</i></b>

### PURPOSE

The purpose of this report is to provide background information and seek support to enter into a contract with Service NSW for the Easy to do Business program.

### OFFICER'S RECOMMENDATION

- 1. Council delegates authority to the General Manager to enter into an agreement with Service NSW for Easy to do Business.**
- 2. Any necessary documents be authorised for execution under the Common Seal of Council.**

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

### BACKGROUND

The Small Business Commissioner and Services NSW have developed the "Easy to do Business" program. This free program provides a number of benefits for Councils:

1. Increased productivity with 'decision ready' applications and reduced transaction costs
2. Effective tools to help boost our local economy, enabling more jobs in the region – and assisting Council to deliver on its Economic Prosperity objectives within the Community Strategic Plan.

This program is an extension of the NSW Government's Small Business Friendly Councils (SBFC) initiative (established in 2014). This program provides the opportunity for participating councils to implement programs that support small business, share resources and information with other participating councils and promote this to the local business community. The proposed program is focused on supporting café's, restaurants and bars.

Service NSW presented to Hunter Councils on 23 November 2017 outlining the benefits of the program and seeking councils support to become members of the program. The program is focused on the café, small bar and restaurant sector at present, however the intention is to expand to other designated subsectors of the business economy in the future.



**CONSULTATION**

Service NSW

**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

Cr Rush

**REPORT**

Service NSW, in partnership with the Office of the Small Business Commissioner and Council, has made it Easy to do Business with one application and one phone number to help fast track the process of opening a business. Through the online portal, business owners receive step-by-step help with local, state and federal government requirements.

The initiative will provide a customer, who wishes to set up cafés, restaurants or small bar, with a single point of contact within Service NSW who will help them navigate all the required approvals to operate the business, for example registering the business, obtaining an ABN, and required Council approvals. Easy to do Business provides the support of a **dedicated personal Business Concierge** to help guide customers through the process, answer their questions, liaise with council, and review their applications.

The intention of the program is to build awareness of specialist advice services available, ensure Council staff can direct enquiries to these and provide applicants with the skills to be better informed and researched prior to lodging any applications.

Once Council has resolved to take part in the program, the Easy to do Business Council/Agency Lead personnel will make a presentation to key Council staff to provide them with the information to implement the program.

**OPTIONS**

1. To provide delegated authority to enter into a contract with Service NSW for the Easy to do Business program
2. Not enter into a contract for the program and advise Service NSW.

**CONCLUSION**

Support for this initiative reflects Councils commitment to supporting the growth of new small business and start-ups in the community. The Easy to do Business program is an important program to support the creation of new businesses within the shire.

**SOCIAL IMPLICATIONS**

Facilitating and streamlining the process to establish a new business has direct benefits to increase employment opportunities in the Shire.

**FINANCIAL IMPLICATIONS**

This program is at no cost to council to participate. Support material, training and advice is provided by Service NSW at no cost. Implementation of the program should lead to reduced processing times and costs relating to applications to Council.

**POLICY IMPLICATIONS**

Nil

**STATUTORY IMPLICATIONS**

Council would still undertake all assessments as per appropriate legislation

**LEGAL IMPLICATIONS**

Nil

**OPERATIONAL PLAN IMPLICATIONS**

This program is aligned to the Economic Prosperity Objectives within the Operational Plan 2017-2018 to:  
Support Job Growth 1.1 Facilitate the expansion and establishment of new industries and business.

**RISK MANAGEMENT IMPLICATIONS**

Nil

# Opening and running a café, restaurant or small bar just got easier



**Service  
NSW**

Easy to do Business



We're working with the Office of the NSW Small Business Commissioner to make it easier to do business.

Previously, cafes, small bars and restaurants would have to deal with up to 13 agencies, 75 regulations, up to 30 phone numbers and complete 48 forms, taking as long as 18 months to navigate. Our program has seen this reduced to one digital application and one phone number, reducing the opening time for businesses to 90 days or less.

We are creating a brand new way for businesses to interact with government through one online portal. Businesses in your community will receive step-by-step guidance and support across local, state and federal government requirements, whether they wish to open, grow or finalise their business.

Benefits for Councils include:

- Increased productivity with 'decision ready' applications and reduced transaction costs
- Effective tools to help boost your local economy, enabling more jobs in your region – and assisting Council to deliver on its strategic plan

You can also become a member of the Office of the NSW Small Business Commissioner Small Business Friendly Council initiative that supports Councils with information and resources, access to a networking group and free conferences to help build small business friendly capability.

With new sectors such as housing and construction being added in the near future, we are working hard to make it easier to do business in NSW.

For more information visit [service.nsw.gov.au/business](https://service.nsw.gov.au/business)

**service.nsw.gov.au • 13 77 88**



**Small  
Business  
Commissioner**

22000 10/11/17 A

# Opening a café, restaurant or small bar just got easier



**Service  
NSW**

Easy to do Business

One form,  
one number  
and a fast track  
to opening  
your business



## We're making it easier to do business in NSW

We've reduced the time it takes to open a business from up to 18 months to just 90 days or less so you can get started sooner.

To get started, all you'll need is to complete a single form. Then you'll be partnered with a dedicated Business Concierge who will fast track your application through government.

That means you spend less time on the paperwork and more time on your business.

## How you benefit

With Easy to do Business, you'll:

- Get a unique digital profile that can help you fast track the approval process across local, state and federal government
- Receive step by step guidance through the application process
- Have the support of a dedicated Business Concierge who can answer your questions, liaise with council, and review your applications to ensure they are 'decision ready'
- Know upfront the time, fees and effort involved.

For more information visit  
[service.nsw.gov.au/business](https://service.nsw.gov.au/business)  
or phone 13 77 88



“The team from Easy to do Business helped me liaise with Council so that I could focus on sourcing the best espresso machine for my café.”

Peter - Grounded Space

Join our #EasytodoBusiness  
conversations on:



22070 15/01/18 A





## Small Business Friendly Councils



There are more than  
**710,000**  
small businesses in  
NSW, representing  
around 96% of all NSW  
businesses.



Small businesses  
employ around  
**1.57 million**  
people, which is  
around half of the  
NSW workforce.



The NSW small  
business sector pays  
more than  
**\$47 billion**  
in annual wages and  
salaries to employees  
every year.



NSW small businesses  
contribute more than  
**\$326 billion**  
to annual sales and  
service income.



More than  
**20,000**  
new small businesses  
were created in NSW  
in 2016, an increase of  
3%—the largest in  
Australia.

Small businesses make a valuable contribution to the NSW economy and are a key driver of economic growth, innovation and regional development across NSW.

Local government has a key role in ensuring a friendly and supportive environment for small businesses to start up and grow in their communities.



Developed by the NSW Small Business Commissioner, the Small Business Friendly Councils (SBFC) initiative provides NSW councils with information, initiatives and resources that build capabilities and help you to support local businesses. SBFC resources and initiatives are open to all councils in NSW, free of charge.

An integral part of SBFC, the Easy to do Business initiative (EtdB) provides councils with a digital platform and statewide policy solutions that make it easier for small businesses to start up and grow. EtdB reduces red tape and eliminates forms, enabling small businesses to obtain streamlined and faster approvals. It also provides councils with decision-ready applications and significant efficiency gains.

The NSW Small Business Commissioner is growing and strengthening SBFC benefits by working with councils to develop a range of initiatives including:

- ▶ regulatory reform through the EtdB program, including starting a café, restaurant or small bar; growing a business through policy harmonisation of outdoor dining, fitness, outdoor markets and the agribusiness sector
- ▶ case studies that showcase initiatives, inform about best practice and policy, and advise of relevant programs
- ▶ fact sheets on key issues and useful resources
- ▶ networking group to share information and collaborate on problem-solving
- ▶ conferences and workshops for councils to gain practical advice from industry experts, share knowledge and workshop solutions to common business issues.

The SBFC initiative works in partnership with your council to identify emerging issues and barriers for starting up and growing a small business in NSW.

All councils in NSW have access to SBFC resources and initiatives, including EtdB, free of charge.



EASY TO DO  
BUSINESS  
**won**

the 2017 Premier's Award for  
Creating Jobs in NSW



#### For more information:

02 8222 4817 [smallbusiness.nsw.gov.au](http://smallbusiness.nsw.gov.au)  
[sbf.councils@smallbusiness.nsw.gov.au](mailto:sbf.councils@smallbusiness.nsw.gov.au)

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## 13 REPORTS FROM COMMITTEES

### 13.1 REPORT OF THE MT PLEASANT COMMUNITY FUNDING INVESTMENT COMMITTEE MEETING HELD ON THURSDAY, 16 NOVEMBER 2017

<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - Acting General Manager</b>
<b>Author:</b>	<b>Michelle Sandell-Hay - PA to the General Manager</b>
<b>Community Plan Issue:</b>	<b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i></b>

#### PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Mt Pleasant Community Funding Investment Committee held on 16 November 2017.

#### OFFICER'S RECOMMENDATION

The Minutes of the Mt Pleasant Community Funding Investment Committee Meeting held on Thursday 16 November 2017 be received and the recommendations contained therein ADOPTED.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

#### REPORT

The Mt Pleasant Community Funding Investment Committee met on Thursday 16 November 2017. The Minutes of the meeting are attached for the information of the Councillors.

#### DECISIONS REQUIRING A NEW BUDGET ALLOCATION

Item Ref	Description	\$	GL No.

**PRESENT:** Mr S. McDonald (Chair), Mr P. Price, Ms J. Fletcher and Mr R. Upton.

## **1 APOLOGIES AND LEAVE OF ABSENCE**

RECOMMENDED on the motion of Mr Upton and Mr Price that:

The apologies for inability to attend the meeting submitted by Cr M. Rush, be ACCEPTED.

## **2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

RECOMMENDED on the motion of Mr Upton and Ms Fletcher that:

The Minutes of the Mt Pleasant Community Funding Investment Committee Meeting held on 2 November 2017, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

## **3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Nil

## **4 BUSINESS ARISING**

Nil

## **5 BUSINESS**

### **5.1 ENTERTAINMENT CENTRE ARCHITECTURAL DESIGN**

RECOMMENDED on the motion of Mr Price and Mr Upton that:

The Mt Pleasant Community Funding Investment Committee allocate \$500,000 towards the architectural design of the Entertainment Centre.

### **5.2 FINANCIAL INFORMATION**

RECOMMENDED on the motion of Ms Fletcher and Mr Upton that:

The Financial Information be noted.

## **6 DATE OF NEXT MEETING**

TBD

## **7 CLOSURE**

The meeting was declared closed at 4.40 pm.

.....

Mr S. McDonald

**Chairperson**



**13.2 REPORT OF THE MT PLEASANT COMMUNITY FUNDING INVESTMENT COMMITTEE MEETING HELD ON WEDNESDAY, 13 SEPTEMBER 2017**

**Attachments:** Nil

**Responsible Officer:** Fiona Plesman - Acting General Manager

**Author:** Michelle Sandell-Hay - PA to the General Manager

**Community Plan Issue:** *A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders*

**Community Plan Goal:** *Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.*

**Community Plan Strategy:** *Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.*

**PURPOSE**

To facilitate Council's adoption of the recommendations of the meeting of the Mt Pleasant Community Funding Investment Committee held on 13 September 2017.

**OFFICER'S RECOMMENDATION**

The Minutes of the Mt Pleasant Community Funding Investment Committee Meeting held on Wednesday 13 September 2017 be received and the recommendations contained therein ADOPTED.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**REPORT**

The Mt Pleasant Community Funding Investment Committee met on Wednesday 13 September 2017. The Minutes of the meeting are attached for the information of the Councillors.

**DECISIONS REQUIRING A NEW BUDGET ALLOCATION**

Item Ref	Description	\$	GL No.

**MINUTES OF THE MT PLEASANT COMMUNITY FUNDING INVESTMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS, ADMINISTRATION CENTRE, MUSWELLBROOK ON WEDNESDAY 13 SEPTEMBER, 2017 COMMENCING AT 2.00PM.**

---

**PRESENT:** Mr S. McDonald (Chair), Mr S. Winter and Ms J. Fletcher

**IN ATTENDANCE:** Nil

**1 APOLOGIES AND LEAVE OF ABSENCE**

RECOMMENDED on the motion of Mr Winter and Ms Fletcher that:

The apologies for inability to attend the meeting submitted by Cr. M. Rush be ACCEPTED.

**2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Nil

**3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Nil

**4 BUSINESS ARISING**

Nil

**5 BUSINESS**

**5.1 ENDORSEMENT OF COMMUNITY REPRESENTATIVE**

RECOMMENDED on the motion of Mr McDonald and Ms Fletcher that:

Mr Rod Upton be appointed as community representative to the Mt Pleasant Community Funding Investment Committee.

**6 DATE OF NEXT MEETING**

2 November 2017

**7 CLOSURE**

The meeting was declared closed at 2.45 pm.

.....  
**Mr S. McDonald**

**Chairperson**

**13.3 REPORT OF THE INFRASTRUCTURE COMMITTEE MEETING HELD ON WEDNESDAY, 28 MARCH 2018**

<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - Acting General Manager</b>
<b>Author:</b>	<b>Michelle Sandell-Hay - PA to the General Manager</b>
<b>Community Plan Issue:</b>	<b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i></b>

**PURPOSE**

To facilitate Council's adoption of the recommendations of the meeting of the Infrastructure Committee held on 28 March 2018.

**OFFICER'S RECOMMENDATION**

The Minutes of the Infrastructure Committee Meeting held on Wednesday 28 March 2018 be received and the recommendations contained therein ADOPTED.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

**REPORT**

The Infrastructure Committee met on Wednesday 28 March 2018.

The Minutes of the meeting are attached for the information of the Councillors.

**DECISIONS REQUIRING A NEW BUDGET ALLOCATION**

Item Ref	Description	\$	GL No.

**PRESENT:** Cr B.N. Woodruff (Chair), Cr M. Rush, Cr M. Bowditch, , Cr J. Foy, Cr M. Green, Cr G. McNeill and Cr R. Scholes.

**IN ATTENDANCE:** Ms F. Plesman (Acting General Manager), Mr D. Finnigan (Interim Director, Community Infrastructure), Ms C. O'Brien (Acting Director, Planning, Community & Corporate Services), Mr P. Redan (Executive Manager, Water and Waste), Ms G. Bobsien (Executive Manager – Economic Development & Innovation), Mr E. Ediriwickrama (Manager, Roads & Drainage), Ms N. Cowley (Manager, Corporate Services), Mr J. Brown (Executive Services Co-Ordinator), Mr J. Wisniewski (Waste, Reuse, Environment & Operations Manager), Mrs L. Payne (Co-Ordinator, Financial Services), Mr M. Lysaught (Manager, Property & Building), Mrs M. Sandell-Hay (PA to General Manager) and Mrs N. Argent (PA to Mayor).

## **1 APOLOGIES AND LEAVE OF ABSENCE**

RECOMMENDED on the motion of Crs Rush and Bowditch that:

The apologies for inability to attend the meeting submitted by Cr. S. Bailey, Cr J.F. Eades, Cr J. Ledlin, Cr S. Reynolds and Cr S. Ward be ACCEPTED and the necessary Leave of Absence be GRANTED.

## **2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

RECOMMENDED on the motion of Crs McNeill and Green that:

The Minutes of the Infrastructure Committee held on 28 February 2018, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

## **3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Nil

## **4 BUSINESS ARISING**

### **4.1 STAFF APPRECIATION**

Cr Woodruff requested that staff who conducted work at Dingo Gully be congratulated particularly in the way which they have used leftover soil to create a mowing surface.

## **5 BUSINESS**

### **5.1 JUL - DEC 2017 INFRASTRUCTURE REPORT FOR WATER AND WASTEWATER SERVICES**

Cr Scholes inquired whether the attachment to the report could be amended to have a rolling 12 months rather than the Year to Date column.

RECOMMENDED on the motion of Crs Scholes and McNeill that:

Council note the content of this report.

## **6 ADJOURNMENT INTO CLOSED COMMITTEE**

RECOMMENDED on the motion of Crs Green and Foy that:

The Committee adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

### **7.1 DOMESTIC WASTE PROGRAM - SKIP BIN LOCATED AT 182 SCRUMLO ROAD, HEBDEN**

Item 7.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(a) of the local government act 1993, as it deals with personnel matters concerning particular individuals (other than councillors), and the Committee considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

### **7.2 POTENTIAL DISPUTE**

Item 7.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and the Committee considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

### **7.3 MARCH QUARTERLY REPORT - PROGRESS ON THE RECYCLE WATER TREATMENT WORKS PROJECT**

Item 7.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and the Committee considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

## **7 CLOSED COMMITTEE**

### **7.1 DOMESTIC WASTE PROGRAM - SKIP BIN LOCATED AT 182 SCRUMLO ROAD, HEBDEN**

RECOMMENDED on the motion of Crs Bowditch and McNeill that:

Council agree to giving direction to JR Richards to remove the skip bin and discontinue the service at 182 Scrumlo Road, Hebden.

### **7.2 POTENTIAL DISPUTE**

RECOMMENDED on the motion of Crs Rush and Scholes that:

The resolution of the matter be delegated to the General Manager.

**7.3 MARCH QUARTERLY REPORT - PROGRESS ON THE RECYCLE WATER TREATMENT WORKS PROJECT**

RECOMMENDED on the motion of Crs Scholes and Green that:

Council note the quarterly progress report on the provision of the new recycle water treatment works up to March 2018.

**8 RESUMPTION OF OPEN COMMITTEE**

RECOMMENDED on the motion of Crs Green and Bowditch that:

The meeting return to Open Committee.

**9 DATE OF NEXT MEETING**

18 April 2018

**10 CLOSURE**

The meeting was declared closed at 5.21 pm.

.....

Ms F. Plesman

**General Manager**

.....

Cr B. Woodruff

**Chairperson**

**13.4 REPORT OF THE CORPORATE POLICY AND PLANNING COMMITTEE  
MEETING HELD ON WEDNESDAY, 28 MARCH 2018**

<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - Acting General Manager</b>
<b>Author:</b>	<b>Michelle Sandell-Hay - PA to the General Manager</b>
<b>Community Plan Issue:</b>	<b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i></b>

**PURPOSE**

To facilitate Council's adoption of the recommendations of the meeting of the Corporate Policy And Planning Committee held on 28 March 2018.

**OFFICER'S RECOMMENDATION**

The Minutes of the Corporate Policy And Planning Committee Meeting held on Wednesday 28 March 2018 be received and the recommendations contained therein **ADOPTED**.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**REPORT**

The Corporate Policy And Planning Committee met on Wednesday 28 March 2018.

The Minutes of the meeting are attached for the information of the Councillors.

**DECISIONS REQUIRING A NEW BUDGET ALLOCATION**

<b>Item Ref</b>	<b>Description</b>	<b>\$</b>	<b>GL No.</b>

**PRESENT:** Cr M. Rush (Chair), Cr M. Bowditch, Cr J. Foy, Cr M. Green, Cr G. McNeill, Cr R. Scholes, and Cr B.N. Woodruff.

**IN ATTENDANCE:** Ms F. Plesman (Acting General Manager), Mr D. Finnigan (Interim Director, Community Infrastructure), Ms C. O'Brien (Acting Director, Planning, Community & Corporate Services), Mr P. Redan (Executive Manager, Water and Waste), Ms N. Cowley (Manager, Corporate Services), Mr J. Brown (Executive Services Co-Ordinator), Mrs L. Payne (Co-Ordinator, Financial Services), Mr M. Lysaught (Manager, Property & Building), Mrs M. Sandell-Hay (PA to General Manager) and Mrs N. Argent (PA to Mayor).

## **1 APOLOGIES AND LEAVE OF ABSENCE**

RECOMMENDED on the motion of Crs Rush and Green that:

The apologies for inability to attend the meeting submitted by Cr. S. Bailey, , Cr J.F. Eades, Cr . Ledlin, Cr S. Reynolds and Cr S. Ward be ACCEPTED and the necessary Leave of Absence be GRANTED.

## **2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

RECOMMENDED on the motion of Crs Green and McNeill that:

The Minutes of the Corporate Policy & Planning Committee held on 28 February 2018, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

## **3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Nil

## **4 BUSINESS ARISING**

Nil

## **5 BUSINESS**

### **5.1 REPORT ON INVESTMENTS HELD AS AT 28 FEBRUARY 2018**

RECOMMENDED on the motion of Crs Scholes and Bowditch that:

The information showing Council's investments as at 28 February 2018 be noted and the exceeded trading limits on two issuers be accepted.

### **5.2 QUESTION WITHOUT NOTICE - PM2.5 EXCEDENCES IN LAST SIX MONTHS**

RECOMMENDED on the motion of Crs Scholes and Bowditch that:

The information contained in this report be noted.



## **6 ADJOURNMENT INTO CLOSED COMMITTEE**

RECOMMENDED on the motion of Crs Rush and McNeill that:

The Committee adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

### **S.1 REGIONAL ENTERTAINMENT AND CONFERENCE CENTRE - DESIGN COMPETITION**

Item S.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and the Committee considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

## **7 CLOSED COMMITTEE**

### **S.1 REGIONAL ENTERTAINMENT AND CONFERENCE CENTRE - DESIGN COMPETITION**

RECOMMENDED on the motion of Crs Foy and Rush that:

Council:

1. Adopt the recommended design competition architects panel and prize allocations.
2. Endorse the recommended judging panel representatives with the addition of a representative from Mt Pleasant.

## **8 RESUMPTION OF OPEN COMMITTEE**

RECOMMENDED on the motion of Crs Green and McNeill that:

The meeting return to Open Committee.

## **9 DATE OF NEXT MEETING**

18 April 2018

## **10 CLOSURE**

The meeting was declared closed at 5.28 pm.

.....  
Ms F. Plesman  
**General Manager**

.....  
Cr B. Woodruff  
**Chairperson**

**14 NOTICES OF MOTION / RESCISSION**

Nil

**15 QUESTIONS WITH NOTICE**

Nil

**16 COUNCILLORS REPORTS****17 QUESTIONS FOR NEXT MEETING****18 ADJOURNMENT INTO CLOSED COUNCIL**

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, business of a kind referred to in Section 10A(2) of the Act should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

**19 CLOSED COUNCIL****RECOMMENDATION**

That Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

**19.1 ECONOMIC DEVELOPMENT GRANT OPPORTUNITY**

Item 19.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**19.2 TENDER AWARD - DESIGN OF MUSWELLBROOK SEWERAGE TRANSPORTATION SYSTEM UPGRADE, CONTRACT NO. 10014051 (MSC 2017-2018-0324-B1)**

Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

**20 RESUMPTION OF OPEN COUNCIL**

**21 CLOSURE**

**DATE OF NEXT MEETING: TUESDAY 8 MAY 2018**