

Minutes of the Extraordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 22 May 2024, commencing at 5.37pm and concluding at 5.41pm.

PRESENT Cr D Kennedy, Cr K Dicker, Cr A Karavas, Cr R Palmer, Cr P Shelley, Cr P Stoddart and Cr JP Thompson.

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director Operations (Julian Geddes), Acting Director Corporate Services (Kristie Ward), Chief Financial Officer (Neil Bungate) and Executive Assistant (Mette Sutton).

Item 1: Apologies

Apologies were received for Cr P Cavalier and Cr S Paine.

122/24 MOTION: Dicker / Palmer

That the apologies received for Cr P Cavalier and Cr S Paine be accepted.

The motion was carried with the Councillors voting unanimously.

Item 2: Disclosure of Interest

There were no disclosures of interest.

Item 3: Confirmation of Minutes

Nil

Item 4: Corporate Services

4.1 SUBMISSIONS TO THE DRAFT 2024/25 OPERATIONAL PLAN
AND 2022/25 DELIVERY PROGRAM

GOV400105, FIN300202, FIN300417

123/24 MOTION: Shelley / Karavas

That Council:

1. receive the report by the Financial Planning Coordinator on the Submissions to the Draft 2024/25 Operational Plan and 2022/25 Delivery Program;
2. receive all public submissions to the Draft 2024/25 Operational Plan and 2022/25 Delivery Program as listed

below, with the General Manager required to respond to each submission as follows:

- 2.1 Ms Phillippa Kerrigan and Karl Weatherley be thanked for their submissions and Council confirms support to add a budget of \$25,000 to replace the fence at the Ilford Cemetery;
- 2.2 Mr John Stuart be thanked for his submission and note that rather than replacing the asset, Council has budgeted \$50,000 in 2024/25 to upgrade the northern toilet block fittings, painting and lighting;
- 2.3 Ms Lisa Riley be thanked for her submission and Council confirms that the toilets at the Rylstone Caravan Park can be used by the public as agreed with the lessee of the Caravan Park;
- 2.4 Mr Matt Don be thanked for his submission and Council confirms that whilst Council will not currently make amendments to the Draft Operational Plan, staff will undertake investigations regarding the parking concern;
- 2.5 Deahne Health be thanked for her submission and Council confirms support for the Crudine Hall Roof Replacement in accordance with the Crudine Ridge Windfarm Voluntary Planning Agreement (VPA);
- 2.6 David Bowman be thanked for his submission and Council confirms that there will be no current amendments to the Draft Operational Plan for the upgrade of the Nullo Mountain Road; and
- 2.7 Michael Nielsen be thanked for his submission and Council confirms that there will be no current amendments to the Draft Operational Plan for works on Browns Lane in Kandos.

3. make the following amendments to the Draft 2024/25 Operational Plan and 2022/25 Delivery Program including Fees & Charges as exhibited;

3.1 Community Submissions

- 3.1.1 add expenditure for the Ilford Cemetery fence replacement for \$25,000 to be funded from the asset replacement reserve;
- 3.1.2 add expenditure for the Crudine Hall roof replacement for \$100,000 to be funded from the VPA reserve into 2024/25 financial year.

3.2 Management Submissions

3.2.1 amend the budget for the MWRC Distributed Battery Energy Storage System if grant funding successful to increase the budget as follows:

- **2024/25 by \$3,645,000 to be funded from \$3,645,000 grant**
- **2025/26 by \$2,159,000 to be funded from \$1,305,000 grant funding and \$854,000 from capital program reserve**

3.2.2 amend the funding source for the Putta Bucca Property Upgrade to be from Asset Replacement reserve instead of Capital Program Reserve to in 2024/25;

3.2.3 amend the funding source for the Country University Centre Capital, Mudgee Valley Park Security Cameras, Kandos Pool Chair Lift and Darton Park Water Bubbler from unrestricted cash to Capital Program Reserve;

3.2.4 increase the expenditure for plant replacement by \$192,700 for 2024/25 to replace workshop hoists;

3.2.5 remove the additional Council Trainee Program from future years:

2025/26 - \$185,400

2026/27 - \$190,962

2027/28 - \$196,691; and

3.2.6 Council contact NSW National Parks and inform them that the problem on Nullo Mt Road is on their land and they need to rectify this as soon as possible.

3.3 March 2024 Quarterly Budget Review Statement amendments where 2024/25, 2025/26 and 2026/27 budgets were amended.

4. make the following changes to the 2024/25 Fees and Charges as exhibited:

4.1 the Section 603 certificate fee has been determined to be \$100

4.2 the maximum interest rate on overdue rates and charges will be 10.5% per annum; and

4.3 make the following statutory fee changes to the 2024/25 Fees and Charges:

| Fee | Current Fee | Updated Fee |
|--|--|--|
| Council registered Occupation Certificates | 42.91 | 143.60 |
| Registration of Privately issued Occupation Certificate | 42.91 | 44.53 |
| Registration of privately issued Construction Certificates | 42.91 | 44.53 |
| Development Applications - Class 1 dwelling valued up to \$100,000 | 570.68 | 592.19 |
| Development Applications - Integrated Development – Fees when an application for development requires approval of a public / statutory authority under the integrated approvals of the EPA Act | 401.19 | 416.31 |
| Development Applications - Concurrence of a public / statutory authority to a Development Application as required under the EPA Act or an environmental planning instrument | 401.19 | 416.31 |
| Development Applications Based on Estimated Cost of Development - All development valued up to \$5,000 | 138.38 | 143.60 |
| Development Applications Based on Estimated Cost of Development - All development valued between \$5,001 and \$50,000 excluding Class 1 dwelling with value ≤ \$100,000 | \$212.39 plus \$3.00 for each \$1,000 or part of thereof over \$5,000 | \$220.40 plus \$3.00 for each \$1,000 or part of thereof over \$5,000 |
| Development Applications Based on Estimated Cost of Development - All development valued \$50,001 to \$250,000 | 441.95 plus \$3.64 for each \$1,000 or part thereof over \$50,000 | \$458.61 plus \$3.64 for each \$1,000 or part thereof over \$50,000 |
| Development Applications Based on Estimated Cost of Development - All development valued \$250,001 to \$500,000 | \$1,454.58 plus \$2.34 for each \$1,000 or part thereof over \$250,000 | \$1,509.42 plus \$2.34 for each \$1,000 or part thereof over \$250,000 |
| Development Applications Based on Estimated | \$2,189.38 plus | \$2,271.92 plus |

| Fee | Current Fee | Updated Fee |
|--|---|---|
| Cost of Development - All development valued \$500,001 to \$1,000,000 | \$1.64 for each \$1,000 or part thereof over \$500,000 | \$1.64 for each \$1,000 or part thereof over \$500,000 |
| Development Applications Based on Estimated Cost of Development - All development valued \$1,000,001 to \$10,000,000 | \$3,280.32 plus \$1.44 for each \$1,000 or part thereof over \$1,000,000 | \$3,403.99 plus \$1.44 for each \$1,000 or part thereof over \$1,000,000 |
| Development Applications Based on Estimated Cost of Development - All development valued over \$10,000,000 | \$19,914.68 plus \$1.19 for each \$1,000 or part thereof over \$10,000,000 | \$20,665.46 plus \$1.19 for each \$1,000 or part thereof over \$10,000,000 |
| Development Applications Based on Estimated Cost of Development - No building, carrying out of work, subdivision or demolition | 357.21 | 370.68 |
| Development Applications Based on Estimated Cost of Development - Application for Designated Development | \$1,154.23 plus Development. Application fee will be calculated on the estimated cost of development using the above table | \$1,197.74 plus Development. Application fee will be calculated on the estimated cost of development using the above table |
| Development Applications for Advertisements - Advertisements | \$357.21 plus \$93 for each additional advertisement | \$370.68 plus \$93 for each additional advertisement |
| Modifications involving minor error, misdescription or miscalculation - Modification of consent under s4.55 (1) Environmental Planning & Assessment Act – minor error by applicant, miscalculation, incorrect description | 89.03 | 92.39 |
| Modification of Consent under 4.55 (1A) or under 4.56 (1) of Environmental Planning & Assessment Act 1979 - Modification of Consent under s4.55 (1A) or under s4.56(1)(Consent originally approved by court) of the Environmental Planning and Assessment Act, if the modification is of minimal environmental impact | \$808.82 or 50% of original fee or whichever is the lesser | \$839.31 or 50% of original fee or whichever is the lesser |

| Fee | Current Fee | Updated Fee |
|--|--|--|
| If the modification is not of minimal environmental impact under Section 4.55(2) or 4.56(1) of Environmental Planning and Assessment Act - Original fee was for the erection of dwelling house with estimated cost ≤ \$100,000 | 238.14 | 247.12 |
| If the modification is not of minimal environmental impact under Section 4.55(2) or 4.56(1) of Environmental Planning and Assessment Act - Estimated cost of development up to \$5,000 | 68.65 | 71.24 |
| If the modification is not of minimal environmental impact under Section 4.55(2) or 4.56(1) of Environmental Planning and Assessment Act - Estimated cost of development \$5,001 – \$250,000 | \$106.20 plus \$1.50 for each \$1,000 or part thereof over \$5,000, plus \$101 Advertising if required | \$110.2 plus \$1.50 for each \$1,000 or part thereof over \$5,000, plus \$101 Advertising if required |
| If the modification is not of minimal environmental impact under Section 4.55(2) or 4.56(1) of Environmental Planning and Assessment Act - Estimated cost of development \$250,001 – \$500,000 | \$627.53 plus \$0.85 for each \$1,000 or part thereof over \$250,000, plus \$101 Advertising if required | \$651.19 plus \$0.85 for each \$1,000 or part thereof over \$250,000, plus \$101 Advertising if required |
| If the modification is not of minimal environmental impact under Section 4.55(2) or 4.56(1) of Environmental Planning and Assessment Act - Estimated cost of development \$500,001 – \$1,000,000 | \$893.56 plus \$0.50 for each \$1,000 or part thereof over \$500,000, plus \$101 Advertising if required | \$927.25 plus \$0.50 for each \$1,000 or part thereof over \$500,000, plus \$101 Advertising if required |
| If the modification is not of minimal environmental impact under Section 4.55(2) or 4.56(1) of Environmental Planning and Assessment Act - Estimated cost of development \$1,000,001 – \$10,000,000 | \$1,237.90 plus \$0.40 for each \$1,000 or part thereof over \$1,000,000, plus \$101 Advertising if required | \$1,284.57 plus \$0.40 for each \$1,000 or part thereof over \$1,000,000, plus \$101 Advertising if required |
| If the modification is not of minimal environmental impact under Section 4.55(2) or 4.56(1) of Environmental Planning and Assessment Act - Estimated cost of | \$5,942.76 plus \$0.27 for each \$1,000 or part thereof over \$10,000,000, plus | \$6,166.80 plus \$0.27 for each \$1,000 or part thereof over \$10,000,000, plus |

| Fee | Current Fee | Updated Fee |
|--|---|---|
| development more than \$10,000,001 | S101 Advertising if required | S101 Advertising if required |
| Review of Determination under Division 8.2 of the Environmental Planning and Assessment Act - Original fee was for the erection of dwelling house with estimated cost ≤ \$100,000 | 238.14 | 247.12 |
| Review of Determination under Division 8.2 of the Environmental Planning and Assessment Act - Estimated cost of development up to \$5,000 | 68.65 | 71.24 |
| Review of Determination under Division 8.2 of the Environmental Planning and Assessment Act - Estimated cost of development \$5,001 – \$250,000 | \$107.27 plus \$1.50 for each \$1,000 or part thereof of the estimated cost | \$111.31 plus \$1.50 for each \$1,000 or part thereof of the estimated cost |
| Review of Determination under Division 8.2 of the Environmental Planning and Assessment Act - Estimated cost of development \$250,001 – \$500,000 | \$627.53 plus \$0.85 for each \$1,000 or part thereof over \$250,000 | \$651.19 plus \$0.85 for each \$1,000 or part thereof over \$250,000 |
| Review of Determination under Division 8.2 of the Environmental Planning and Assessment Act - Estimated cost of development \$500,001 – \$1,000,000 | \$893.56 plus \$0.50 for each \$1,000 or part thereof over \$500,000 | \$927.25 plus \$0.50 for each \$1,000 or part thereof over \$500,000 |
| Review of Determination under Division 8.2 of the Environmental Planning and Assessment Act - Estimated cost of development \$1,000,001 – \$10,000,000 | \$1,237.90 plus \$0.40 for each \$1,000 or part thereof over \$1,000,000 | \$1,284.57 plus \$0.40 for each \$1,000 or part thereof over \$1,000,000 |
| Review of Determination under Division 8.2 of the Environmental Planning and Assessment Act - Estimated cost of development more than \$10,000,001 | \$5,942.76 plus \$0.27 for each \$1,000 or part thereof over \$10,000,000 | \$6,166.80 plus \$0.27 for each \$1,000 or part thereof over \$10,000,000 |
| Review of Determination under Division 8.2 of the Environmental Planning and Assessment Act - Review of rejection of development application – If estimated cost less than \$100,000 | 68.65 | 71.24 |
| Review of Determination under Division 8.2 of the Environmental Planning and Assessment | 187.72 | 194.80 |

| Fee | Current Fee | Updated Fee |
|--|--------------------|--------------------|
| Act - Review of rejection of development application – If estimated cost is more than \$100,000 and less than \$1,000,000 | | |
| Review of Determination under Division 8.2 of the Environmental Planning and Assessment Act - Review of rejection of development application – If estimated cost is more than \$1,000,000 | 313.23 | 325.04 |
| Subdivision Development application under Environmental Planning & Assessment Act - Subdivision involving opening of a public road | 833.49 | 864.91 |
| Subdivision Development application under Environmental Planning & Assessment Act - Subdivision not involving opening of a public road | 414.06 | 429.67 |
| Subdivision Development application under Environmental Planning & Assessment Act - Strata Subdivision | 414.06 | 429.67 |
| Subdivision Certificates - Registration of privately issued Subdivision Certificate | 42.91 | 44.53 |
| Statutory Advertising - Designated Development | 2,784.73 | 2,889.71 |
| Statutory Advertising - Nominated integrated development, threatened species development or Class 1 aquaculture development | 1,385.93 | 1,438.18 |
| Statutory Advertising - Community Participation Plan Requirement | 1,385.93 | 1,438.18 |
| Statutory Advertising - Prohibited Development | 1,385.93 | 1,438.18 |
| Statutory Advertising - Advertising Review of Determination Division 8.2 [previously known as 82A] | 777.71 | 807.03 |
| Maps & Documents - Certified copy of a plan or document | 66.51 | 69.02 |
| Section 10.7 Certificates [previously known as 149 certificate] - Section 10.7 (2) Certificate | 66.51 | 69.02 |
| Section 10.7 Certificates [previously known as 149 certificate] - Section 10.7 (2) Certificate with | 167.34 | 173.65 |

| Fee | Current Fee | Updated Fee |
|--------------------------------|-------------|-------------|
| Section 10.7 (5) Advice | | |

5. note that the amended Draft 2024/25 Operational Plan and 2022/25 Delivery Program will be brought back to Council at the June Ordinary Council Meeting for endorsement, including making of the rates.

The motion was carried with the Councillors voting unanimously.

Item 5: Urgent Business Without Notice

Nil

Item 6: Urgent Confidential Business Without Notice

Nil

Item 7: Open Council

Item 8: Closure

There being no further business the meeting concluded at 5.41pm.