



**Minutes from meeting of:  
ORDINARY COUNCIL**

**Held**

**Tuesday 16 June 2009**

**6.00pm**

**Goulburn Regional Art Gallery, Civic Centre  
184 - 194 Bourke Street, Goulburn**

**VISION**

*A sustainable vibrant community protecting, enhancing and enjoying Goulburn Mulwaree's rich social, environmental and economic heritage.*

**Mission**

*To serve the Community*

**Minutes of the Ordinary Meeting of Council held Tuesday 16 June 2009  
commencing at 6pm in the Goulburn Regional Art Gallery**

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**Present**

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Mayor James, Cr Banfield, Cr Dillon, Cr Penning, Cr O'Neill & Cr Sturgiss.

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**Also Present**

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Acting General Manager (Mr C Berry), Acting Director Planning and Community Services (Mr C Stewart), Director Corporate Services (Mr B Hollands), Acting Director Engineering Services (Mr T Cooper), Public Communications Officer (Mr P Oliver), Corporate Governance Coordinator (Ms S Blay left the meeting at 6.45pm) & Executive Assistant Corporate Services (Miss A Croke).

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**Opening Prayer**

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Read by Cr O'Neill.

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**Apologies**

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That an apology from Cr Kirk be received and leave of absence granted.

**Resolved 09/300**

**Cr Dillon/Cr O'Neill**

*That an apology from Cr Kirk be received and leave of absence granted.*

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**Disclosure of Interest**

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Cr Banfield declared an interest in Item 16 of Planning Services Report as his brother in law is the proponent. Cr Banfield left the meeting while discussion on this item took place.

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**Calendar of Events**

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**Resolved 09/301**

**Cr Sturgiss/Cr O'Neill**

*That the Calendar of events be noted with the addition of a Sports Council meeting held 1 June 2009.*

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**Open Forum**

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Belinda Baxter addressed Council to discuss conditions of the ongoing lease agreement with Council and the Goulburn Pre-school including rental fees.

Don Fisher addressed the Council on Goulburn's water issues.

Jim Marshall-Brown addressed Council on it's Investments, Superannuation & CDO's.

Eric Weston addressed Council on the issue of a Flood Plain Management Study for Eastgrove and his concern of Council's handling of the matter.

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**Mayoral Minute**

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**Recommendation**

That the Mayoral Minute on Mayoral Activities be noted.

**Resolved 09/302**

**Cr Sturgiss/Cr Banfield**

*That the Mayoral Minute on Mayoral Activities be noted.*

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**Confirmation of Minutes**

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**Recommendation**

That the Minutes of the Ordinary Meeting of Council held Tuesday 19 May 2009 and contained in Minute Pages Nos 1 to 48 inclusive and in Minute Nos 09/239 to 09/299 inclusive be confirmed.

**Resolved 09/303**

**Cr Sturgiss/Cr Dillon**

*That the Minutes of the Ordinary Meeting of Council held Tuesday 19 May 2009 and contained in Minute Pages Nos 1 to 48 inclusive and in Minute Nos 09/239 to 09/299 inclusive be confirmed.*

## **Committee Reports for Adoption**

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### **1. Economic Development & Tourism Advisory Committee**

**Resolved 09/304**

**Cr Dillon/Cr Penning**

*That the report of the Economic Development & Tourism Advisory Committee held 26 May 2009 be received and the recommendations therein be adopted.*

### **2. Facilities Advisory Committee**

**Resolved 09/305**

**Cr O'Neill/Cr Sturgiss**

*That the report of the Facilities Advisory Committee held 27 May 2009 be received and the recommendations therein be adopted.*

### **3. Sports Council Committee**

**Resolved 09/306**

**Cr O'Neill/Cr Sturgiss**

*That the report of the Sports Council Committee held 1 June 2009 be received and the recommendations therein be adopted.*

### **4. General Purposes Committee**

**Resolved 09/307**

**Cr Dillon/Cr Penning**

*That the report of the General Purposes Committee held 2 June 2009 be received and the recommendations therein be adopted.*

### **5. Recreation Area Committee**

**Resolved 09/308**

**Cr O'Neill/Cr Sturgiss**

*That the report of the Recreation Area Committee held 3 June 2009 be received and the recommendations therein be adopted with the Directors recommendation and the adjustment to meeting being held as required.*

### **6. Traffic Committee**

**Resolved 09/309**

**Cr Penning/Cr O'Neill**

*That the report of the Traffic Committee held 4 June 2009 be received and the recommendations therein be adopted with the following matters be referred back to the Traffic Committee for examination:*

- *Union Street parking*
- *The round-about, up from the railway crossing at Blackshaw Road to be a left turn only.*

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## **Consideration of Motions of Which Due Notice has been Given**

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Nil

## Executive Services Report

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### Item 1 Closed Session

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#### Reporting Officer

Acting General Manager – Chris Berry

#### Purpose of Report

To consider moving into Closed Session.

The following confidential reports have been distributed separately:

Report
<i>Item 1 – Tender for Asphaltic Concrete Surfacing &amp; Cold Milling Works</i>
<i>Item 2 – Tender for Bitumen Surfacing - Supply &amp; Delivery of Sealing Aggregate</i>
<i>Item 3 – Tender for Plant Hire</i>
<i>Item 4 – Water Leakage Request</i>

#### Statutory Requirements

Section 10A *Local Government Act 1993*, empowers Council and Committees of which all the members are Councillors to close a part of a meeting in certain circumstances in accordance with the requirements of the Act, and relevant Regulations and Guidelines.

Subject to the provisions of s10A of the Act, so much of a meeting may be closed as comprises certain information i.e.:

**(1) a council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:**

- (a) the discussion of any of the matters listed in subclause (2), or
- (b) the receipt or discussion of any of the information so listed.

**(2) the matters and information are the following:**

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (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,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

**(3) a council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.**

**(4) a council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.**

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However, the Act also contains the following provisions qualifying the use of s10A(2).

### Section 10B

- (1) *[Time spent closed to be minimised]* A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):
  - (a) *except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*
  - (b) *if the matter is concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussions of the matter in an open meeting would, on balance, be contrary to the public interest.*
- (2) *[Qualification of 10A(2)(g)]* A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:
  - (a) *are substantial issues relating to a matter in which the council or committee is involved, and*
  - (b) *are clearly identified in the advice, and*
  - (c) *are fully discussed in that advice.*
- (3) *[Qualification of 10A(3)]* If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).
- (4) *[Irrelevant matters]* For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
  - (a) *a person may misinterpret or misunderstand the discussion, or*
  - (b) *the discussion of the matter may:*
    - (i) *cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or*
    - (ii) *cause a lot of confidence in the council or committee.*

## Recommendation

That Council move into Closed Council in accordance with the requirements of s10A *Local Government Act 1993* to consider the following matter:

### Executive Services

#### Item 1 Tender for Asphaltic Concrete Surfacing & Cold Milling Works

*s10A(2)(d) Local Government Act 1993 – commercial information of a confidential nature that if disclosed would prejudice the commercial position or confer a commercial advantage on a competitor.*

#### Purpose of Report

To advise and recommend on tenders submitted for Asphaltic Concrete Surfacing and Cold Milling Works.

This matter is referred for discussion in Closed Council due to the commercial nature of the information.

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**Item 2 Tender for Bitumen Surfacing - Supply & Delivery of Sealing**

*s10A(2)(d) Local Government Act 1993 – commercial information of a confidential nature that if disclosed would prejudice the commercial position or confer a commercial advantage on a competitor.*

**Purpose of Report**

To advise and recommend on tenders submitted for Bitumen Surfacing and Supply and Delivery of Sealing Aggregate.

This matter is referred for discussion in Closed Council due to the commercial nature of the information.

**Item 3 Tender for Plant Hire**

*s10A(2)(d) Local Government Act 1993 – commercial information of a confidential nature that if disclosed would prejudice the commercial position or confer a commercial advantage on a competitor.*

**Purpose of Report**

To advise and recommend on tenders submitted for Plant Hire.

This matter is referred for discussion in Closed Council due to the commercial nature of the information.

**Item 4 Water Leakage Request**

*Section 10A(2)(b) Local Government Act 1993 - the personal hardship of any resident or ratepayer*

**Purpose of Report**

To seek determination of a request for an account adjustment under Council's Water Leakage Policy.

This matter is referred for discussion in Closed Council due to the personal hardship of a resident.

**Resolved 09/310**

**Cr Sturgiss/Cr Dillon**

*That Council move into Closed Council in accordance with the requirements of s10A Local Government Act 1993 to consider the following matter:*

*Executive Services*

**Item 1 Tender for Asphaltic Concrete Surfacing & Cold Milling Works**

*s10A(2)(d) Local Government Act 1993 – commercial information of a confidential nature that if disclosed would prejudice the commercial position or confer a commercial advantage on a competitor.*

**Purpose of Report**

*To advise and recommend on tenders submitted for Asphaltic Concrete Surfacing and Cold Milling Works.*

*This matter is referred for discussion in Closed Council due to the commercial nature of the information.*

***Item 2 Tender for Bitumen Surfacing - Supply & Delivery of Sealing***

*s10A(2)(d) Local Government Act 1993 – commercial information of a confidential nature that if disclosed would prejudice the commercial position or confer a commercial advantage on a competitor.*

***Purpose of Report***

***To advise and recommend on tenders submitted for Bitumen Surfacing and Supply and Delivery of Sealing Aggregate.***

***This matter is referred for discussion in Closed Council due to the commercial nature of the information.***

***Item 3 Tender for Plant Hire***

*s10A(2)(d) Local Government Act 1993 – commercial information of a confidential nature that if disclosed would prejudice the commercial position or confer a commercial advantage on a competitor.*

***Purpose of Report***

***To advise and recommend on tenders submitted for Plant Hire.***

***This matter is referred for discussion in Closed Council due to the commercial nature of the information.***

***Item 4 Water Leakage Request***

*Section 10A(2)(b) Local Government Act 1993 - the personal hardship of any resident or ratepayer*

***Purpose of Report***

***To seek determination of a request for an account adjustment under Council's Water Leakage Policy.***

***This matter is referred for discussion in Closed Council due to the personal hardship of a resident.***

**Item 2 Department of Local Government Circulars**

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**Reporting Officer**

Executive Assistant – Karen Gardiner

**Purpose of Report**

To advise of Department of Local Government Circulars since the last Council Meeting (copies have been sent to all Councillors).

**Recommendation**

That the information of Department of Local Government Circulars be noted.

**Resolved 09/311**

**Cr O'Neill/Cr Sturgiss**

*That the information of Department of Local Government Circulars be noted.*

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**Item 3 Correspondence for Information / Attention  
(Enclosure)**

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**Reporting Officer**

Executive Assistant – Karen Gardiner

**Purpose of Report**

To advise of particular correspondence received since the last Council Meeting.

**Recommendation**

That the information on correspondence be noted.

**Resolved 09/312**

**Cr Dillon/Cr Penning**

*That the information on correspondence be noted.*

**Item 4 Questions Without Notice & Task List Status Report**

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**Reporting Officer**

Executive Assistant – Karen Gardiner

**Purpose of Report**

To advise of replies to Questions Without Notice from Councillors at the 19 May 2009 Council Meeting and status on Task List requiring an update from previous Council Meetings.

**Recommendation**

That the information on Questions Without Notice & Task List status be noted.

**Resolved 09/313**

**Cr O'Neill/Cr Dillon**

*That the information on Questions Without Notice & Task List status be noted.*

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**Item 5 Councillor Workshops, Briefing Sessions & Professional Development Program (Enclosure)**

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**Reporting Officer**

Executive Assistant – Karen Gardiner

**Purpose of Report**

To advise of a Councillor Workshop, Briefing Sessions and Professional Development Program held since last being report to Council Meeting on 19 May 2009.

**Recommendation**

That the information on the Councillor Workshops, Briefing sessions and Councillor Professional Development sessions be noted.

**Resolved 09/314**

**Cr Sturgiss/Cr Banfield**

*That the information on the Councillor Workshops, Briefing sessions and Councillor Professional Development sessions be noted.*

**Item 6 Department of Local Government – Promoting  
Better Practice Review (Enclosure)**

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**Reporting Officer**

Acting General Manager – Chris Berry  
Corporate Governance Coordinator – Simone Blay

**Purpose of Report**

To advise of the preliminary outcomes from the Promoting Better Practice Review being undertaken by the Department of Local Government.

**Recommendation**

That the report on the preliminary outcomes from the Promoting Better Practice Review by the Department of Local Government be noted.

**Resolved 09/315**

**Cr O'Neill/Cr Banfield**

*That the report on the preliminary outcomes from the Promoting Better Practice Review by the Department of Local Government be noted.*

**Item 7 Expense Policy Request**

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**Reporting Officer**

Acting General Manager – Chris Berry

**Purpose of Report**

To inform of a request for an alternative communications device under Council's Expense Policy.

**Recommendation**

That:

- A. Cr Penning be permitted to have a Blackberry telecommunication device in lieu of all other telecommunications options allowable under the *Payment of Expenses and Provision of Facilities to the Mayor, and Councillors Policy*
- B. The next review of the *Payment of Expenses and Provision of Facilities to the Mayor, and Councillors Policy* include flexibility for the substitution of telecommunication devices provided the alternatives remain within the resources allocated within the adopted Management Plan.

**Resolved 09/316**

**Cr O'Neill/Cr Banfield**

*That:*

- A. *All Councillors be permitted to have a Blackberry telecommunication device in lieu of all other telecommunications options allowable under the Payment of Expenses and Provision of Facilities to the Mayor, and Councillors Policy*
- B. *The next review of the Payment of Expenses and Provision of Facilities to the Mayor, and Councillors Policy include flexibility for the substitution of telecommunication devices provided the alternatives remain within the resources allocated within the adopted Management Plan.*

**Item 8 Councillor Remuneration (Enclosure)**

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**Reporting Officer**

Acting General Manager – Chris Berry

**Purpose of Report**

To determine Councillor fees for 2009/10 in accordance with a recent determination of the Local Government Remuneration Tribunal.

**Recommendation**

That the annual Councillor and Mayoral fee be increased to \$15,500 and \$33,840 (respectively) effective from 1 July 2009 in accordance with the Local Government Remuneration Tribunal Special Determination of 29 April 2009.

**Resolved 09/317**

**Cr O'Neill/Cr Sturgiss**

*That the annual Councillor and Mayoral fee be increased to \$15,500 and \$33,840 (respectively) effective from 1 July 2009 in accordance with the Local Government Remuneration Tribunal Special Determination of 29 April 2009.*

**Item 9 Southern Tablelands Group of Councils (STGOC) –  
Conduct Review Committee**

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**Reporting Officer**

Corporate Governance Coordinator – Simone Blay

**Purpose of Report**

To appoint members to serve on Council's Conduct Review Committee and/or act as Sole Conduct Reviewers.

**Recommendation**

That:

- A. Melissa Gibbs, Kath Roach, Robin Hill and John Patterson be appointed as the preferred providers to serve on the Conduct Review Committee or act as Sole Conduct Reviewers for each of the STGOC member Councils.
- B. Geoffrey Hopkins, Matthew Lawrence and Bronwyn Richards be appointed as reserve providers to serve on the Conduct Review Committee or act as Sole Conduct Reviewers for each of the STGOC member Councils, in circumstances where the preferred providers are unavailable
- C. The appointment of preferred and reserve providers be for 2 years with a further 2 year option, subject to performance.

**Resolved 09/318**

**Cr Banfield/Cr Dillon**

*That:*

- A. *Melissa Gibbs, Kath Roach, Robin Hill and John Patterson be appointed as the preferred providers to serve on the Conduct Review Committee or act as Sole Conduct Reviewers for each of the STGOC member Councils.*
- B. *Geoffrey Hopkins, Matthew Lawrence and Bronwyn Richards be appointed as reserve providers to serve on the Conduct Review Committee or act as Sole Conduct Reviewers for each of the STGOC member Councils, in circumstances where the preferred providers are unavailable*
- C. *The appointment of preferred and reserve providers be for 2 years with a further 2 year option, subject to performance.*

*Cr O'Neill requested her vote be recorded against the motion.*

**Item 10 Endeavour Industries (Enclosure)**

---

**Reporting Officer**

Acting General Manager – Chris Berry

**Purpose of Report**

To inform of a redevelopment proposal for Endeavour Industries.

**Recommendation**

That “in principle” support be given to Endeavour Industries for the relocation proposal to North Goulburn subject to:

- A successful LEP Amendment
- Development Consent being obtained
- Appropriate environmental safeguards

**Resolved 09/319**

**Cr O’Neill/Cr Sturgiss**

*That “in principle” support be given to Endeavour Industries for the relocation proposal to North Goulburn subject to:*

- *A successful LEP Amendment*
- *Development Consent being obtained*
- *Appropriate environmental safeguards*

**Item 11 Crematorium Proposal – Kenmore Cemetery, 63  
Middle Arm Road, Goulburn (Enclosure)**

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**Reporting Officer**

Acting General Manager – Chris Berry

**Purpose of Report**

To advise of a request for a review of the funding arrangements for the infrastructure works associated with the proposed crematorium at the Kenmore (former St Patrick's) Cemetery, Middle Arm Road, Goulburn.

**Recommendation**

That:

- A. The share of infrastructure costs attributable to the cemetery be as follows:

<b>Item</b>	<b>Cemetery</b>
Electricity	\$1,600
Water	\$6,500
Sewer	\$20,200
Car park	\$24,820
Access Road	\$7,840
Renovate Entrance	\$2,320
<b>Total</b>	<b>\$63,280</b>

- B. This share of the infrastructure costs be funded from unallocated capital funds or included in the 2009/10 Management Plan.
- C. The proponent makes a payment of \$9,000 to Council for the use of cemetery land for the establishment of a car park value of the cemetery land for the car park.
- D. The proponent makes a payment of \$11,748 for development contributions required under Development Consent No 123/0607/DA.

**Resolved 09/320**

**Cr Penning/Cr O'Neill**

*That:*

- A. *The share of infrastructure costs attributable to the cemetery be as follows:*

<b>Item</b>	<b>Cemetery</b>
<b>Electricity</b>	<b>\$1,600</b>
<b>Water</b>	<b>\$6,500</b>
<b>Sewer</b>	<b>\$20,200</b>
<b>Car park</b>	<b>\$24,820</b>
<b>Access Road</b>	<b>\$7,840</b>

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<i>Renovate Entrance</i>	<i>\$2,320</i>
<i>Total</i>	<i>\$63,280</i>

- B.** *This share of the infrastructure costs be funded from unallocated capital funds or included in the 2009/10 Management Plan.*
- C.** *The proponent makes a payment of \$9,000 to Council for the use of cemetery land for the establishment of a car park value of the cemetery land for the car park.*
- D.** *Council contributes 50% of the \$16,000 additional cost incurred by the proponent and associated with the relocation of the car park.*

These minutes are yet to be confirmed by Council

































































