



Minutes of the Annual General Meeting held on Monday 3 February 2014 at Mulgoa Hall at 7.30pm

Attendance and Guests: as per the MPA Attendance Book

MPA Committee: Peter Harvey (President), Matthew Wilson (Vice President & Honorary Legal Counsel)*, Wally Cox

* By telephone

Apologies: Barry & Helga Wilson, Kerry Spurrett, Penny Hunter

Minutes of the Annual General Manager Meeting held on 3 December 2012

Minutes confirmed as a true and correct record. Moved M Wilson Seconded H Stowe

Correspondence In

Four DA's for Fernhill

Letter from PCC Mayor in response to MPA letter.

Chairman read out the MPA letter of 6 January 2014.

Chairman encouraged all residents to prepare their submission even if it was one page and send it to Council with copies to the PCC and the Heritage Council.

Chairman advised that attempts to contact the Heritage Council have been unsuccessful to date. In the opinion of the MPA Executive, the Heritage Council appears to be working to support the application. Chairman advised the meeting that the Head of the Heritage Council is Tracey Avery.

Chairman read out the letter from the Mayor in response to the MPA letter dated 6 January 2014.

Chairman spoke to the current structure of the development application including connection to the Heritage incentive clause and spot rezoning and provided insight into the thinking of PCC in the last 4-5 years where they included peripheral lots as having local heritage significance in the Schedule to the LEP, possibly as a mechanism to allow them to use the Heritage Incentive clause. Chairman referred to the applicant's CMP where the consultant noted these peripheral lands had little or no heritage significance. It suggests that PCC's intent was to develop Fernhill 4-5 years ago which accords with recent PCC comments: "be prepared for development of Fernhill". The issue has now been made complicated for PCC due to the opposing expert legal opinion from Warren Anderson's Senior Counsel (emphatic opinion) and community anger and this has put "the fox into the chicken

coup” so to say. PCC officers have advised MPA that PCC wants a robust legal position on the heritage incentive clause. However, the Chairman noted there are now 3 separate opinions concerning this matter and that it will be difficult to achieve a robust legal opinion. The correspondence to date indicates that PCC has been working with the Applicant and not the community and now appears to be in damage control.

Chairman advised that MPA’s position is that PCC should not make this issue a problem for the community. MPA has not seen any evidence that the PCC has worked to serve the community in this matter.

Chairman advised that MPA Executive is meeting with the PCC on 12 February 2014 (including Mayor and Deputy Mayor). Chairman advised that the community is united and at least now has the attention of PCC.

Chairman encouraged members of the community to keep raising concerns with their councillors and MP’s.

Chairman spoke to the issues concerning the events at Fernhill and the impact on neighbouring properties and the amenity of the community.

The meeting discussed the matter at length. Chairman advised that in relation to events – MPA supports events that do not degrade the heritage asset nor adversely impact the amenity of residents in the Mulgoa Valley.

Chairman spoke to the dimensions of amenity across the rural and village precincts and the council sought to define this in planning studies and instruments. Chairman spoke to the heritage incentive clause – it is powerful and must be used wisely and judiciously, not recklessly nor manipulatively in concert with applicant.

Dr James Broadbent spoke to the use of the Heritage Incentive Clause. He advised that apart from the fact the subdivision and many events weren’t on land on which the heritage asset sits and arguably could not use the heritage incentive clause, the applicant had to also satisfy five criteria in Cl 5.10 Dr Pat Barclay spoke to concerns about the incremental number of events being proposed.

Chairman advised that it was important that the Mulgoa residents hold the Heritage Council to account to perform its duties in accordance with the Heritage Act which is the legislation.

Chairman advised another government instrumentality is the Minister for the Environment Robyn Parker. MPA will progress this line of enquiry.

Chairman noted that some of the residents have been active speaking with the Council and encouraged residents to speak to councillors, state member.

Chairman advised that MPA is seeking to arrange a number of expert opinions on reports in the DA to put the community on a more even position with Council in its arguments against the DA.

Chairman advised that Cox’s Cottage was arguably a more important heritage asset than Fernhill due to the fact that it remains in its largely original state compared with Fernhill who house, gardens and landscape has altered significantly over the years. Therefore the views and vistas of Cox’s Cottage

were equally important and the owner had written to Council on several occasions regarding the white running rail of the race track which was not approved.

Chairman that residents had put signs up in Mulgoa and that an article and photo had been in the Penrith Press. He said another was due to come out in the Western Weekender and that the matter will be elevated to the wider media as the opportunities arise.

Meeting closed 9.30 pm